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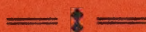
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# PROCEEDINGS

of the

SELECT COMMITTEE APPOINTED BY THE LEGISLATURE  
OF THE PROVINCE OF ONTARIO, TO ENQUIRE INTO  
AND REVIEW THE CEMETERY ACT AND REGULATIONS  
MADE THEREUNDER.



Mr. J. N. Allan, Chairman, Presiding.

Mr. John Scott, Secretary.



VOLUME VI

Tuesday, September 22, 1953.

London, Ontario.

(Mrs) J. A. Wilde,  
Official Reporter,  
Parliament Buildings,  
Toronto, Ontario.







METROPOLITAN  
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Municipal Reference

S I X T H D A Y

London, Ontario  
Tuesday, September 22, 1953  
10:00 o'clock a.m.

- - - - -

The further proceedings of this Committee  
reconvened pursuant to adjournment.

PRESENT:

Mr. J. N. Allan, Chairman, Presiding.

Messrs. Allen (Middlesex South)

Whitney,

Thomas (Ontario)

Sandercock,

Hall,

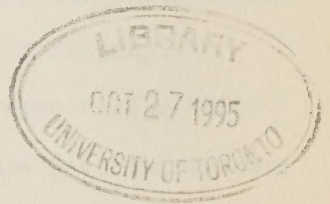
Gordon,

Root,

Hanna,

Mr. John Scott, (Secretary)

Mr. Walker, (Solicitor)



APPEARANCES:

Mr. Robert H. Wilson, representing the Victoria  
Memorial Association,  
Windsor.

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Mr. E. S. Sheck, Akron, Ohio, representing  
the Victoria Memorial  
Association, Windsor.

Mr. Keith Campbell, Galt, Ontario,  
and  
Mr. Douglas King, Toronto, Ontario,  
representing the Canadian  
Association of Memorial  
Craftsmen.

Reverend Mr. Birtch, St. Barnabas Anglican  
Church, London, Ontario.

Mr. Robert Smith, Mount Pleasant Cemetery,  
London, Ontario.

Mrs. Edith Spooner, representing the St. Thomas  
Cemetery Company,

Mr. William Edward Mills, representing the  
Primrose Memorial Gardens  
Cemetery Limited, Sarnia,

Mr. Douglas, representing the  
Primrose Memorial Gardens  
Cemetery Limited, Sarnia.

Mr. W. A. Noble, Secretary-Manager of Wood-  
land Cemetery, London.

Mr. Land and  
Mrs. Howland, representing Puce Cemetery,  
Maidstone Township.

- - - - -

Mr. E. C. Beck, Akron, Ohio, representing

the Victoria Memorial

Association, Windsor.

Mr. Keith Campbell, Galt, Ontario,

and

Mr. Douglas King, Toronto, Ontario,

representing the Canadian

Association of Memorial

Statues.

Reverend Mr. Dixon, St. Barbara Anglican

Church, London, Ontario.

Mr. Robert Galt, Mount Pleasant Cemetery,

London, Ontario.

Mrs. Ruth Spooner, representing the St. Thomas

Cemetery Company,

Mr. William Edward Miller, representing the

Prince Memorial Gardens

Cemetery Limited, Galt.

representing the

Mr. Douglas,

Prince Memorial Gardens

Cemetery Limited, Galt.

Secretary-Manager of Wood-

Mr. W. A. Noble,

Iron Cemetery, London.

Mr. Land and

Mrs. Howland,

representing Free Cemetery,

Wellstone Township.



THE CHAIRMAN: We appreciate the interest which you have shown by coming out this morning, and we appreciate those of you who are going to appear before the Committee. We hope what you have to say will do something to make the cemetery situation throughout the Province much better.

I might just make one or two remarks before any of you appear before the Committee. I have noticed in the newspaper reports there seems to be the thought that our main interest has to do with the buying, selling or development of cemeteries. While it is true that we are interested in that, it is likewise true that we look upon a cemetery as a thing which is as nearly perpetual as perhaps anything that affects our national life. We are very greatly interested in the proper care and management of cemeteries, and when any of you are suggesting something to us, if you have something in mind having to do with the care, proper management, of a cemetery which will ensure that cemeteries may be continued throughout the generations which follow us, and which will cause us to look upon them with respect for those who have gone before and have made their contribution to the life of the Province of Ontario, we hope you will keep that in mind.

We are particularly anxious that situation





exists, and I have no doubt when this Committee brings in a report there will be, perhaps, many recommendations having to do with the planning of the lots, the erection of monuments, perpetual care and things of that sort. It is the hope that these cemeteries may be maintained in the communities in a respectable condition.

I mention that to you who are going to appear before us this morning with the thought that if you have something which you feel will be of interest to us, we would be delighted to have it presented to us.

Before we go further, and lest I forget afterwards, I hope, Mr. Scott, you will convey to the Mayor of the City of London, our sincere thanks for the use of these very beautiful chambers. They appeal to me, particularly, because of the record of portraits of the mayors who have been mayor of this city. It seems to me in Canada, we have never become conscious of the very great desirability of maintaining a record of those who have served, those who have given service to communities, to municipalities, to provinces. I was very interested last summer to visit the Town Hall in Exeter in London and to find there was a complete record there.

That City was incorporated ten years before the City of London, and there was a complete record of their municipal government throughout all those years. It is



a respect we can show those who serve and I want to congratulate the corporation of the City of London here, upon the splendid way they have preserved the record of those who have served.

So I hope, Mr. Secretary, that you will convey our thanks to the Mayor and Council of the City of London for making these lovely chambers available to us this morning.

Mr. Wilson is here from the Victoria Memorial Association of Windsor.

MR. ROBERT H. WILSON (representing the Victoria Memorial Association, Windsor): Mr. Chairman, I represent the Victoria Memorial Association Limited, which is a company which was incorporated by Letters Patent (Ontario) dated August 1, 1928, which Letters Patent among other objects empowered us to run a cemetery (which we have done with the approval of the Department of Health since immediately after incorporation), and in connection therewith to acquire the lands in which our cemetery is now situate being a fifty acre parcel of land fronting on Provincial Highway No. 3 in the Township of Sandwich South, in the County of Essex, and being about seven miles from the City of Windsor.

Our cemetery has been substantially developed to its present condition for more than twenty-five years





including the main monuments, roads, drainage and other improvements hereinafter referred to. Our cemetery property was laid out by professional landscape artists, architects, sculptors and engineers. At high cost the cemetery was sub-divided into sections and with drives to give beauty and convenient access to the property and the burial plots, the same having been prepared as a surveyed plan by J. J. Newman, Ontario Land Surveyor, and the same is now a registered plan in the Essex Registry Office. This registration enables the owner of any particular plot to register his title in the Registry Office for the County of Essex. An efficient drainage system of the very best construction at a depth above the tops of caskets was installed so that surface water is drained from the property making dry burials available at practically all times. This drainage system was constructed so as to fully comply with the best sanitary requirements.

The main monuments in the cemetery were furnished and installed by us and include a beautiful marble entrance and iron picket fence along the entire front of the cemetery (the rest of the cemetery being also faced); an Indiana Lime Stone Building which is used for burial services in the winter, an Indiana Lime Stone Carillon Tower with chimes which are played during burial services, Marble Victorian Shaft (Monolith) and Marble Soldiers'





Arch. Practically the entire fifty acres are and have been for many years beautifully landscaped with lawn, shrubs, trees and flowers. Further beautification has been carried on from time to time and recently we have purchased for erection in the cemetery a beautiful and costly marble statuary group of the Gospel writers Matthew, Mark, Luke and John.

The entire cemetery is provided with an elaborate system of drives as shown upon the enclosed plan all of which drives are permanently surfaced with crushed stone with concrete curbs along both sides of all the drives.

There are over 8,000 sections (6 graves to each section) in our cemetery of which 4,795 sections have been sold.

There are approximately 2,700 burials in our cemetery.

A feature of our cemetery is the use of modest uniform bronze individual grave markers showing the name of the deceased and dates of birth and death, which are installed flush with the ground so as to make possible easy and convenient mowing and caring for the whole cemetery rather than the use of tombstones which make the mowing and caring for of the cemetery very difficult and expensive. These bronze markers are modest in





price and by being flush with the ground there is no distinction between rich and poor, and we submit is a very democratic method of marking graves.

There is in the hands of the Public Trustee as of this date the sum of \$66,235.00, the income from which is used in connection with the perpetual care of the cemetery in accordance with the requirements of the Cemeteries Act.

Our company is one with share capital but actually over the period since incorporation the net operating result has been a very substantial accumulated loss which amounted as of December 31, 1952 to \$50,752.87; no dividend has ever been declared or paid since the incorporation of the company, and further executive salaries and directors' fees amount to only \$1,200.00 per year. In addition to the foregoing Messrs. E. S. Sheck and James V. Sawyer, two of the principal shareholders and directors of the company, have given freely of their time and services over the years. Like other organizations which are not supported by public funds, we have operated on a narrow financial margin which to date has resulted in a very heavy loss, and we respectfully request that effect be given to our submissions and that giving effect to the recommendations to which we have specifically objected would





result in us being unable to continue to run this cemetery and would be an unfair discrimination against a lawful and established concern serving a vital public need in this area.

We submit that our cemetery being as it is for the reasons aforesaid in the nature of a memorial park combines the traditional sentiment of the older burying ground with the dignity, convenience, beauty and simplicity of a memorial park.

Our selling policy is for actual use for burial purposes, almost all the sales being of one section or less to each purchaser. Ours is one of the most important cemeteries serving the Protestant population of the City of Windsor, the total population of which has been steadily growing for many years and now including the metropolitan area is approximately 155,000. The other Protestant cemeteries serving Windsor are Windsor Grove, a very old cemetery which is surrounded by a heavy concentration of population, St. John's Anglican Cemetery being a churchyard cemetery associated with St. John's Anglican Church in the old Town of Sandwich now in the City of Windsor, also in a heavy populated area, the burial plots in which have been substantially disposed of, cemetery associated with St. Mary's Anglican Church in old Walkerville now part





of Windsor, the burial plots in which also have been substantially disposed of, and Green Lawn Memorial Cemetery.

We have been informed recently by the Ontario Cemeteries Association that its Executive and Legislative Committees have filed a brief with you with some of the submissions contained in which we approve, but we emphatically disagree with the following recommendations contained in that brief:-

RECOMMENDATION # 2

With respect to requirement of payment of 35% of all burial plot purchase monies for deposit into a Perpetual Care Fund, we submit that this amount would be in excess of reasonable requirements and that the same would not be practical. You will observe that deducting from purchase monies received by us 15% for perpetual care that we have suffered a very heavy financial loss over the period since incorporation, and any requirement for perpetual care in excess of 15% would have increased our loss accordingly. Further we submit that it is not practical or convenient to deduct for perpetual care from each payment and that the method which we have used of paying the deductible percentage with respect to the entire purchase price at one time is much more convenient and satisfactory, our method involving as it does a



simpler method of bookkeeping, much less accounting and less overhead.

RECOMMENDATION # 3

We submit that if this recommendation were given effect to that individual owners would be prevented from selling their own property which appears to us to deny a fundamental right.

RECOMMENDATION # 4

Our experience has demonstrated that disposing of plots by a commission arrangement rather than by full time salaried employees results in the most economical and efficient method of disposing of plots. With respect to the purchase of graves in advance of need, we use and believe in the principle of selling burial plots in advance of need, our view being that a burial plot should be chosen by the persons interested before death occurs so that the choice as to location and otherwise can be made free from the emotional stress consequent upon the happening of death in the family, and it is well known that the choice of such a plot is usually a matter of concern to the person who is to be subsequently buried. We respectfully submit that to take away the right to sell in advance of need would not only deny what appears to be an owner's fundamental right to deal





with his own property but would involve us in even greater financial loss.

RECOMMENDATION # 5

We respectfully submit that the number of registered sales persons should not be restricted to three or any other arbitrary number but should depend upon the requirements of individual situations.

RECOMMENDATION # 8

We disagree that the initial payment on the purchase of a burial plot be not less than 25% of the full purchase price, and submit that this would be a discrimination against purchasers of small means and that the rate of this percentage should be left to agreement between the parties having regard particularly to the circumstances of the purchaser although a minimum percentage of 10% would not appear to be objectionable.

We have worked conscientiously to develop our cemetery of which we are very proud and which has served the Greater Windsor Protestant community with increasing popular acceptance for more than a quarter of a century. We feel that the increasing demand for the use of our cemetery demonstrates not only public acceptance of the idea of a memorial park, but also the need which our cemetery fills. We invite the Committee to visit our





cemetery at which time we shall be very glad to show them through the property and at the same time place before the Committee such information as it might consider helpful.

For your further information and so as to indicate the beauty and the extent of the development of our cemetery we enclose herewith for your consideration (a) copy of plan of the cemetery (b) eight photographs with respect to various parts of the cemetery."

I would like to say a few words in connection with our brief. As I said, our company was incorporated by Letters Patent (Ontario) in the year 1928, and I have been associated with this company and its cemetery development now since its incorporation more than one-quarter of a century ago.

I am, at the present time, not only counsel for the cemetery but while I am not a substantial shareholder, I am a director of that company too, and have been for some years.

We have associated with us on the Board: Mr. C. M. Reynett, who was formerly manager for Windsor of the Bell Telephone Company; Colonel Mothersill, an insurance broker and president of the Granite Insurance Agencies Limited; Mr. Sheck, who is here with me today, and who is a prominent attorney of Akron, Ohio, U.S.A.



His principal activity is as a lawyer and not as a cemetery man, but I have had him come to-day because he is a shareholder and one of the principal shareholders in our company in Windsor. Also, he is a shareholder in a company or companies owning two cemeteries in Akron, Ohio, and one in New Jersey. While he is a lawyer, and an outstanding lawyer from his own city, he has been president of the Akron Bar Association and one of the outstanding counsel of that great American city. I felt that his experience as a lawyer, and particularly his experience in cemetery work might make him very useful to us here to-day, in assisting you in your problems.

This company was a private company originally. It is now a public company with some 64 shareholders. Its business is that of acquiring, operating and managing a cemetery. It is not a company whose business is the selling of cemetery lots. It has been a developer and succeed in order that it shall, it has been necessary to sell, but it is not in any sense a selling company. It is an owner. As a matter of fact whether wisely or not we are developing our entire property of some 50 acres, about seven miles from the City of Windsor on Highway No. 3. We are very proud of this development and before I proceed further, we have prepared some papers for your





consideration.

We are very proud of this cemetery. I would ask you to look at the photographs which are included in our submission. They show the condition of the property and were taken recently. They show the beauty of the development in every respect.

I feel we are performing an extremely useful service. When we came into the Windsor area there was real demand for what we were doing. We are what is known as "a memorial park". We are not a tombstone cemetery and I am going to ask Mr. Sheck, when I conclude, to say something to the Committee, because I feel from his wealth of experience that he can be of help to the Committee.

I would like to just go over very briefly the submissions which I made by letter to the Committee under date of August 12th, 1953, starting with the incorporation of our company in 1928. I think I might leave that with the Committee. I have a copy of the objects of our incorporation and I will leave that with the Committee before I finish in any event.

We did all this with the approval of the Department of Health. We have tried to comply with the regulations throughout. We have installed what we regard, right at the beginning, as one of the finest



drainage systems that was available, so that we could give a dry burial at virtually any time of the year.

We may have gone beyond what one might have thought necessary, but we have done that at very considerable cost and it is now there for all time to serve the cemetery in that particular respect.

It is a 50 acre parcel about seven miles from the City in the Township of Sandwich South. Our property has been substantially developed to its present condition for more than twenty years.

We have a number of very beautiful monuments of marble. We have a beautiful Carillon Tower. You will see a picture of it among the photographs with the memo which has been handed to you.

We have the property laid out, and it might be well as you consider our submissions to look at the plan which we have prepared. I do not know whether we are unique in that respect but we have had an Ontario Land Surveyor, Mr. J. J. Newman, survey the property at considerable cost and it is all on a registered plan so that an owner, if he wishes to do so, can register his title. I believe that is somewhat unusual but it provides a service which some think is desirable and which may be regarded as necessary.

The property is entirely fenced with a very





fine marble and iron fence at the front, and otherwise fenced around the other boundaries. The roads are good with concrete curbs and the roads have sufficient depth of foundation that they have stood up for years and are still in very serviceable shape.

The property has been laid out so as to make for easy access from any part of the property to all the graves in the cemetery. As I said, we have no tombstones, only the main monuments, so the property can be power-mowed. It is mowed as often as is required and if the Committee are able to, we invite them up, either by themselves or by someone representing them to inspect the property. As I say, we are very proud of it and you can come in any time and I am confident that you will find the degree of care which you will see, will meet the most difficult standards.

There are over 8,000 sections in the cemetery with six graves to a section and over half of the property has been sold. There are approximately 2,700 burials in the property, largely from the City of Windsor, but also coming from other parts adjacent to Windsor.

Those burials are increasing in number.

I mentioned that to indicate that we are rendering an actual burial service. We use the bronze marker



of a modest type, as I think has been described to you. It is flush with the ground and very frequently the owners purchase the type which is a container for flowers, which you can invert when you are not using it and it still leaves it flush with the ground. When you wish to put flowers in you can use it and after they wilt it is part of our service to remove those flowers so the property can be mowed and kept in good shape.

As a matter of protecting the public, we feel we have used the very highest type of trusteeship. We have put all our Perpetual Care money with the Public Trustee and we now have close to \$70,000. When this letter was written we had some \$66,000. and there has been, as I recall, more money paid in since that time. I am going to ask Mr. Sheck to develop for you his views regarding Perpetual Care since I know that has been before the Committee on numerous occasions.

Ours is what might be described as a cemetery operated for profit, but actually it is a question of whether it is or not, because we have not been the best of business men, or whether we have been more interested in the service we are rendering, we have not actually made a profit.

Mr. Sheck and Mr. Sawyer, also a lawyer from Akron, Ohio, have given very generously of their time





and of their means by assisting the company, but we now feel we are getting in good shape financially in a modest way. We have never declared a dividend so there has not been any question of the shareholders having profited from this situation.

Our entire executive salaries, including fees to directors are \$1,200.00, and that includes payments to the officers and the directors for their services.

That does not include the payments to the superintendent and those who work at the Park, nor to our office staff.

When dealing with that, the Chairman mentioned the matter of management and care and I feel that is one thing we have provided. We have in downtown Windsor an office in the same building in which I carry on my law practise. We have three of our staff there, two of whom are permanent, so that we have a very excellent system of records. Those records are available to the Committee if they can be of any help.

We file regularly our financial statements with the Department and our method of financing **is** also open to inspection. We employ what I regard as one of the finest firms of auditors in Windsor, Brokenshire, Scarfe and Company, Chartered Accountants.

We are operating completely in the open and



trying to do this thing in a way of which we can be proud in every respect.

With respect to a brief which was submitted by one or two of the committees of the Ontario Cemeteries Association, in our brief we deal with several recommendations they make and I would just like to refer to this briefly.

Our selling policy is for actual use for burial purposes, almost all sales being of one section or less to each purchaser. We would like the Committee to clearly understand there is no speculation involved in our method of operating.

As a matter of interest, although our cemetery is non-sectarial, I think our burials are almost entirely of those of the Protestant faith. The Roman Catholics, as you appreciate for reasons which I regard as proper, have used their own cemeteries. We have in the City of Windsor a very large Catholic population, perhaps 35 or 40% of the entire population, and they have their own burials. Ours may well be described as a Protestant cemetery.

The other Protestant cemeteries in Windsor are Windsor Grove, the older type of cemetery in the heart of the City, which is used a great deal but the time is coming when Windsor Grove will be filled. It





is rapidly filling. There is also St. John's Anglican Cemetery, which is a churchyard ~~a~~ cemetery, and there is also St. Mary's Anglican Cemetery, also very small, and seemingly you can only get burial there if you have some affiliation with this particular church. That is substantially the Protestant cemetery situation in our city.

In addition there is our own property plus Green Lawn Memorial Cemetery, another property of the memorial type. They have developed, I think, one half of the property and not the whole 50 acres.

When dealing with these other cemeteries we are reasonably comparable in our prices. I think the Committee should and is entitled to know that. Windsor Grove price per grave is \$40.00, while ours is perhaps over \$50.00, but our burial charges are very close and may differentiate \$5.00 higher in that respect.

I would like to deal briefly with some recommendations which were made in this brief of the Ontario Cemeteries Association. I deal first with Recommendation #2, which is:

" Every owner of a cemetery operated for profit or gain be required to provide for the perpetual care and maintenance of the whole cemetery by appropriating into a separate fund



"to be administered in accordance with the statutes and regulations, 35 per cent of the purchase price of each plot or grave."

We say with respect that all burial purchase moneys should be deposited in a Perpetual Care Fund, but we submit the amount of 35 per cent would be in excess of reasonable requirements. Mr. Sheck fortunately has not only had very wide experience with the memorial park type of cemetery both in Ontario and the United States, but in addition he is interested in this one cemetery in Akron, as a shareholder in each half of the property, one half being the tombstone type and the other half of the memorial park type. Therefore, he is able to make a good comparison of costs. If the Committee would be prepared to hear him I would ask him in a few minutes, to deal with the matter of perpetual care.

With respect to the recommendation that Perpetual Care be paid as each instalment is paid, we feel there are arguments against that. We have not followed that practice when a lot is paid for. We set aside the money in a separate trust fund and we have been scrupulously careful in that respect. Periodically it is sent to the Public Trustee and we have never got ourselves into arrears with respect to that.





I stressed the money being in the hands of the Public Trustee because we feel that is the very finest type of trustee management, and it comes to us without charge. If we have any monies which are not invested, the Trustee allows us 3% of what is carried in the current account. We very fortunately now have the bulk of our money in Hydro Debentures guaranteed by the Province yielding 4% interest. We are protected now for quite a few years to come by a very large investment in Hydro Debentures.

We feel it is not practical or convenient to deduct from our instalments and, also, the plot does not become qualified for Perpetual Care until the owner has acquired the title to it. You can understand that, if it reverts back to us, it is not proper that lot should have the right to perpetual care. We have maintained our entire 50 acres with 2,700 burials in the whole Park in the very finest condition. Our entire 50 acres are maintained in every respect as if there were burials in every plot in the Park.

With respect to Recommendation #3 of the brief:

" No person or corporation other than a cemetery corporation itself acting through regularly employed and supervised personnel registered with the cemetery supervisory



"authority be permitted to sell, offer for sale, negotiate or procure the sale of a burial plot or grave."

We say if this recommendation were given effect, the individual owners would be prevented from selling their own property which appears to us to take away a fundamental right. If you confine the right to sell to cemeteries, if you hold a plot in our particular cemetery, you would be denied the right to sell that yourself, which I feel is not particularly reasonable.

When considering the recommendations which have been made to-day, we object to the extent of which this may be an objection; I do not feel the Committee is so much interested in the problems between cemeteries as they are in seeing that a good job is done on the cemetery problem. That is what we are trying to do and what we are arguing here for to-day.

With respect to Recommendation #4:

" The association recommends that sales promotion and unsolicited canvassing for the sale of plots in advance of need and on a commission basis be prohibited."

We say with respect that our experience has demonstrated the disposing of lots by commission





arrangement rather than by full time salaried employees, results in the most economical and efficient method of dispensing of plots, our view being that burial plots should be chosen by the persons interested before death occurs, so that choices as to location and otherwise may be made free from emotional stress consequent upon the death in the family -- and it is well known that the choice of such a plot is usually a matter of concern to the person who is subsequently buried.

I think statistics indicate that husbands die at a much earlier age, and I know I have been concerned about that. I have a plot in the cemetery outside of Tilbury, where my parents are buried, and I also have a plot in this Park. We have a certain pride in our own family. We have buried three or four generations in this particular cemetery and I take some interest in that entirely apart from my interest in this particular property. I feel you should have a choice in your plot and I thought when the Chairman mentioned the portraits on the wall this morning, that a cemetery does the same thing, it perpetuates the memory of those who have gone, and who have done so much for our great country and province.

We submit that to take away the right to sell in advance of need would not only deny what appears to

The first part of the paper is devoted to a general discussion of the problem of the origin of life. It is shown that the problem is one of the most important and most difficult in the history of science. The second part of the paper is devoted to a discussion of the various theories of the origin of life. It is shown that the most plausible theory is that of spontaneous generation. The third part of the paper is devoted to a discussion of the evidence in favor of spontaneous generation. It is shown that the evidence is very strong and that it is not possible to explain the origin of life in any other way. The fourth part of the paper is devoted to a discussion of the implications of the theory of spontaneous generation. It is shown that the theory has important implications for the study of the history of life on earth. The fifth part of the paper is devoted to a discussion of the future of the study of the origin of life. It is shown that the study of the origin of life is one of the most important and most difficult in the history of science and that it is likely to remain so for many years to come.

be an owner's fundamental right to deal with his own property, but would involve an even greater financial loss.

I do ask this Committee when deliberating to consider wisely the effect of anything being done of a retroactive nature.

We came into being by Letters Patent under the laws of the Province and have tried to observe all the regulations of the Act which apply to us. We think it is a dangerous practice to apply any retroactive legislation to companies of this sort. There are not too many of them, and they are rendering, and we are rendering, a particularly splendid service in our community.

Recommendation #5:

" That the number of persons so registered at any one time as engaged in the selling of plots or graves for or on behalf of any cemetery be limited to three."

We say that the number of registered sales persons should depend upon the requirements of the situation and should not be arbitrarily restricted. To me that seems rather obvious and I submit that to the Committee for consideration.



Recommendation #8:

" That the initial payment on the purchase of a burial plot be not less than 25% of the full purchase price."

We submit that this would be a discrimination against purchasers of small means.

I frankly do not think and I cannot see any reason why the sale of a plot should not be made in advance of need. I feel I am pleased and rather satisfied with the fact that I have made my choice, it is done and if anything happens to me, if I go ahead of my wife, the choice is made where I want it to be. It is in a satisfactory location and it is taken entirely off her shoulders.

In addition to that, I want to speak briefly. There was some discussion before the Committee with respect to municipal taxes and I am going to ask Mr. Sheck to say a word on that from his American experience.

However, it does seem to me that we are subject to the ordinary taxes in this country against corporations when we make a profit, which we hope we will some day. We will pay our fair share of taxation.

So far as municipal taxes are concerned I remember someone in Toronto mentioning that we do not





use municipal services in the same manner most properties do, and I still maintain certainly from our experience we are still essentially a cemetery with all of the problems which arise from its operation.

If great profits are made, Dominion authorities get their tax on that. It is true some land is withdrawn from the assessment roll as a result of this. But consider our own city, I am sure -- and I say this in compliment to the Department of Health -- they have issued these permits very cautiously.

I remember the difficulty we had in getting our permit many years ago. We have one hundred acres plus a somewhat smaller cemetery which the Roman Catholics operate, so that is approximately 150 acres outside of the city which has been built within the last 25 years.

I feel reasonably confident that we are meeting the demands for many years to come, so there will not be any further permits required. I feel that does not withdraw from the assessment roll a great deal of the total assessment.

If the Committee feels there should be some assessment, it has come to my mind that if there is a tax I do not feel there should be a tax of that kind, but should there be a tax it should be limited in any event to what the land would be ordinarily as farm



lands without any improvements, and we should be assessed as such, if there is an injustice being done to the townships.

I think to-day the trend is entirely out of the city, because to acquire land today in a metropolitan area, the cost would be so prohibitive that I do not think there is a serious problem insofar as the city taxation is concerned. You will have no more cemeteries in cities, I would say.

I would like to mention we have a clause in our agreements that in the event of the death of the head of the family prior to paying the balance of the purchase price, we convey the property to the purchaser through his legal representative without payment of the balance of the purchase price.

We discussed that matter with the Department of Insurance of the Province before we used the clause and I feel it does not offend the insurance laws. However I do not feel that it is a matter of sufficient importance for us to be concerned about, because to be perfectly frank with you it does not happen too often. When it does happen, it is very fortunate for the family which is involved.

I wish to thank the Committee for having me come and I would like you to consider the photographs which we have left among our papers. I would like you to





consider the plan which we have laid out. That is a copy of the registered plan.

With that I would thank the Committee again for coming to London, and I would appreciate it if the Committee would hear from Mr. Sheck whom I have described to you.

THE CHAIRMAN: Thank you. I think if Mr. Sheck would care to say something we will hear him now.

MR. E. S. SHECK (Akron, Ohio): At the outset I want to thank you for letting me say something and I apologize for not speaking louder. A month ago I had an operation on my throat and I am not fully recovered from it.

My profession is that of a lawyer in Akron, Ohio, U.S.A. I happen to have made an investment some 25 years ago of buying some shares of stock in the Victoria Memorial Association. I have been counsel for some cemetery properties in Ohio, and in New Jersey, and therefore I have had some knowledge although I do not claim to be an expert in the cemetery line.

My experience, as Mr. Wilson has mentioned, has been with different types of cemeteries, the establishment, the maintenance and the amount of money usually required to be set aside for an adequate maintenance



of a property perpetually -- that is perpetually so far as we can govern the future.

In Victoria Memorial, at the outset, I am told by Mr. Wilson, arrangements were made whereby a proportion of the selling price of each lot was to be deposited with the Public Trustee of the Province. That money has been paid in and has finally accumulated to the sum of approximately \$70,000.00.

A great portion of that 15% was levied against the selling price of the lots even before the property was developed and when it was selling at a smaller price than it is to-day as finished property, and trying to analyse the future by the past, I believe that the fund eventually of the Victoria Memorial Park in the hands of the Public Trustee will approximate \$175,000. to \$200,000.

Up to the present time, as Mr. Wilson has said, we have been very fortunate. The Public Trustee has been able to invest that money for us and I believe the greater part of it now is producing 4 or 4½% return.

Mr. Wilson has also said that I have had some experience in the comparative cost of properly maintaining the two types of cemetery, namely the tombstone type and the more modern memorial type. According to experience -- and I have made it a point since



Mr. Wilson asked me to find out what the comparative costs were -- he asked me the question whether or not I believed 35% was a fair amount to put into the Perpetual Care Fund? I told him that I could not answer that directly, I would have to qualify it in several respects.

The first thing which occurs to me is, 35% of what? In other words, a little churchyard cemetery that makes no pretext at any excellent maintenance of property sells plots at \$10.00 a grave. 15% of the \$10.00 would be \$1.50, whereas at our memorial cemetery our graves are selling for \$40.00 or \$50.00 a grave. Taking \$50.00 as the average, 15% of that would be \$7.50, or five times the amount of the selling price of the plot in a churchyard cemetery. 35% of \$10.00 is widely different than 35% of \$50.00.

So the first question is, "A percentage of what?"

The second is, "What type of cemetery is it?"

I can see where a tombstone cemetery may require 35% of the sales price to be put aside for maintenance because it has been our experience, operating both the tombstone and the memorial type, that the tombstone type cemetery costs just about twice as much to maintain as the more modern memorial type.





The reasons for that are many, but I think the important difference is in the matter of mowing. In the Memorial modern type cemetery big gang mowers are used similar to those used on a golf course. In other words, there is no obstruction of any kind. These bronze plaques are flush with the ground, therefore there is no obstruction. Gang mowers go over 50 acres with no obstructions whatever.

In the monument type they must use -- and the only practical thing to use is -- a small hand mower, and aside from that there must be a hand trimming if they are to maintain it properly, around each monument.

You can readily see the difference in your labour costs. There are other things too. The monuments sag and all sorts of things happen that must be, or should be with proper maintenance, taken care of. I would say - and I believe I am correct in my computation - that the memorial cemetery would experience an overhead maintenance cost of approximately one-half, or even less than half experienced by the monument types.

MR. WILSON: What has your experience been in Windsor in that respect?

MR. SHECK: That is entirely a memorial. I will give you the figures I received from the auditor in Windsor.



The maintenance cost of the 50 acre plot of Victoria Memorial Cemetery - as Mr. Wilson has said we believe in doing a creditable job there and we invite all of you who can to accept our invitation to inspect our property at any time to see for yourself if it is being properly maintained. At any rate, the cost last year in maintaining the 50 acre property was just slightly under \$12,000. for the year. That was not all chargeable against maintenance costs. It included the cost of the men actually digging graves for interment. Out of the interments the charges made amounted to approximately \$7,000., which, credited against the \$12,000. cost of maintenance for the property, left a maintenance charge of approximately \$5,000., or \$10.00 an acre.

The reason I mention that is this: As the Chairman said, we like to have cemeteries regarded as being perpetual and that is exactly the way we are viewing Victoria Memorial. In other words, there are 50 acres. It might be one hundred years before all the plots and grave sites will have been used. During that time and for all time, so far as we are able to judge it, that property must be maintained.

We know that the time will come when there will be no revenue from interments because it will



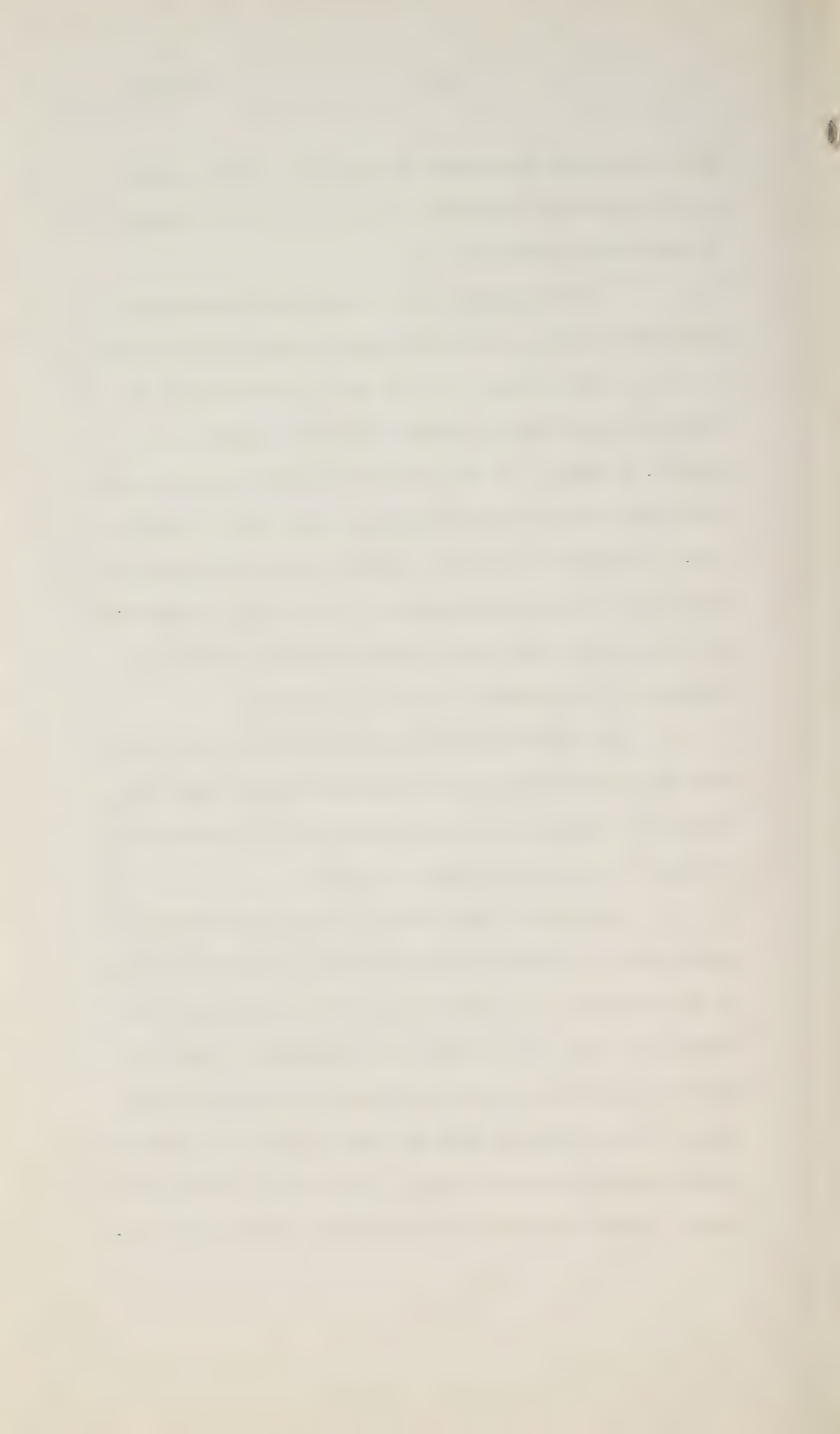
have been used; therefore it will have to fall back on the Perpetual Care Fund, so-called, in the hands of the Public Trustee.

I have pointed out to you that fundamental that fund should run to \$175,000. or \$180,000. and maybe even to \$200,000. If it were invested as it is now that would make a return of about \$7,000. or \$8,000. a year. We say that our present experience is that when there are no interments that will be sufficient to maintain Victoria Memorial Park in its present state of excellent maintenance, and it will be perpetual so long as the province of Ontario is a province of Ontario. We assume that will be forever.

We believe that adequate provision has been made and that anything more than a 15% charge would be making more than an adequate fund for the proper maintenance for that particular property.

One other thing that I believe Mr. Wilson would like me to tell this Committee, a matter in which he believes you are interested, is the matter of the method of sale. In making this statement I want to make it clear that we are not associated with anyone else. We are here to give you what we can of information about Victoria Memorial only. The method of sale differs. There are really two ways of selling property.





The one is by the company having its own representative, and that is the method employed by Victoria Memorial. In other words, the management of the Victoria Memorial Cemetery employs these salesmen who are local salesmen from Windsor, and the Border Cities.

They work on a commission basis and they are responsible to the company. That is the direct company method of selling.

There is another way and that is through a sales agency, whereby a cemetery property or ownership employs an agency which in turn employs its own salesman, who are not directly responsible to the cemetery company but to the sales agency. We do not operate that way, as I have said. We operate with the men working directly for and being responsible to the cemetery company.

Something has been said about the earnings of these men and I want to give you just the picture at Victoria Memorial. I am not trying to compare it with any other property or project, but simply calling your attention only to Victoria Memorial.

Last year the sales in that property showed an aggregate of \$60,000. approximately for the year. The commission paid to the salesmen who actually went out and interviewed people was 20%. So that during



the last fiscal year, the commissions paid to the salesmen at Victoria Memorial amounted to 20% of \$60,000., approximately, or a gross commission of about \$12,000., which was divided between five or six salesmen, making an average income for the salesmen at Victoria Memorial of approximately \$2,000. to \$2,500. a year.

In making these statements Mr. Wilson has told me to say to you that our books are available to this Committee, or to anyone representing the Committee. You are at liberty to go to the Chartered Accountants who do our accounting work, Brokenshire, Scarfe and Company in Windsor, or to have them give you any information which you care to have in connection with the operation of Victoria Memorial Cemetery.

As I say, the five or six men whom we employed in Windsor by the Victoria Memorial last year made an average of between \$2,000. and \$2,500. per year each. That was the compensation paid on a commission basis.

The question is asked whether it is better that a salary should be paid, or whether they should be on a commission basis. Most of the men who were selling for Victoria Memorial last year did it as more or less part-time work. They were otherwise employed, some of them being handicapped and unable to keep



regular employment. One in particular was ill and had a bad heart and he only wanted to work a couple of hours a day, so that they were all part-time people who did not want a salary and did not want to be forced to spend a certain given number of hours per day, or per week, in the work.

In other words, they wanted to work as they wished, as many or as few hours as they liked. So that is the arrangement we have found to be the most economical for the company and the fairest to the sales people. The ones who work the most, of course, will earn the most. Those who do not care to work much will, of course, earn less.

Mr. Wilson asked me whether or not there were any maintenance charges in connection with bronze markers and to that I would say that having been connected as a shareholder, one of course who has received no dividends and no salary or any other compensation or money of any kind, I have received nothing in the 20 years I have had my investment in Victoria Memorial Park. He asked me whether I knew about the bronze maintenance, and so far as I know there is no cost of maintenance to bronze. The bronze which is used in Victoria Memorial is of a very good grade. After the foundation is properly put in, I can conceive of no maintenance which





would be necessary, unless a mower might chip a part of the foundation or something of that kind, but that would be very unusual and certainly would be negligible. I do not believe anyone can truthfully say they have any maintenance costs connected with the bronze after it is once properly installed. It is about as durable a combination of metals as we can conceive and it really is durable, so there is not much to do to it.

Some people, when it corrodes a bit or the surface oxidizes, like to put an oil preparation over it. Some of them bring some metal polish and polish it up, but it certainly is not necessary at all. In fact we have been told by the manufacturers that after the first oxidization, once it is complete, there is little if any more oxidization occurs, so taking that off starts a new oxidization process again and it is better to let it alone and not do anything with it.

As I say, I am very grateful to you for allowing me to present this to you and I want you to realize that my experience with the investment has not been a profitable one. I have been very patient because I have had my money invested in Canada for over 20 years. Fortunately, I have some other investments in Canada which have proved a great deal more profitable, so I do not mind this one not being as profitable as I would like.



This is a monument to us as Mr. Wilson has said. Mr. Jim Schofield, who is one of the founders and one-time president, is now buried in Memorial and some of the more prominent men in Windsor were the founders and trustees and directors. I believe Victoria Memorial represents business men such as Mr. Wilson, who give of their time freely. Most of the directors have interments of their loved ones and an interest in that respect. They also have a civic pride in having a beautiful memorial park for Windsor.

No one, so far as I know, has made a profit or has received any salary or any moneys except the people who have been employed in the office regularly, and they have not received any more than a normal salary. Also, the salesmen who have worked for us have been paid on a commission of 20% of the sales they make. This property does not continece selling any property beyond what a person needs for his own family. There has never been any so called, "investment selling", and there never will be.

The company has never felt they should have a greater number of salesmen. I think probably eight or ten are the most they have ever employed at one time. Their staff is probably about eight or nine.



If there are any question that you would like to ask of me, I will be glad to answer any I can.

THE CHAIRMAN: Just make yourself comfortable Mr. Sheck, there are a couple of questions which have come to my mind. I do not think the early education which this Committee has had would indicate that persons who go into the cemetery business as a commercial proposition do it with a charitable outlook. We are just wondering, in your particular case, what is your method of preparing your annual statements and we would appreciate your clarification on this point.

Perhaps I should put it this way: You sold \$60,000. worth of lots last year.

MR. SHECK: Approximately.

THE CHAIRMAN: What happens to that \$60,000.? You paid a commission in the beginning. That is the first charge.

MR. SHECK: Yes.

THE CHAIRMAN: And you paid the amount you put in the permanent upkeep?

MR. SHECK: Yes.

THE CHAIRMAN: Where did you put the rest?

MR. SHECK: \$12,000. would be commission immediately. Another \$12,000. would be for the maintenance for the property, burials mainly, some little





work on the road for repairs but, essentially, burials would take approximately \$12,000.

THE CHAIRMAN: You would take that \$12,000. from the capital sales?

MR. SHECK: Yes. That is overhead.

THE CHAIRMAN: What do you do with the income from the present permanent upkeep fund?

MR. SHECK: At the present moment, that is 4% of \$70,000.

THE CHAIRMAN: That is \$2,800.

MR. SHECK: At the moment that is not adequate.

THE CHAIRMAN: What happens to that money?

MR. SHECK: That is put into the general operating fund and paid out for expenses.

THE CHAIRMAN: It would be a part of that \$12,000.?

MR. SHECK: That is right. The amount is \$71,842. The cost of sales was \$10,341., leaving \$61,500.

MR. WILSON: \$10,000. is the commission?

MR. SHECK: Yes, it says, "Cost of Sales".

THE CHAIRMAN: That would not be twenty per cent.

MR. SHECK: No, and there is a reason for that. No commission is paid when a person comes into



our office and needs a burial immediately. The salesman is not involved and that is a company transaction between the user and the company, so there would not be a 20% commission paid on that amount. Apparently \$15,000. or \$20,000. worth of that business was by undertaker calling up with an immediate need they had.

MR. ROOT: But there is no cost of selling?  
Do you sell the lot for less?

MR. SHECK: No.

MR. ROOT: What becomes of the extra 20%?

MR. SHECK: That is in the company operating funds. Expenditures are listed here which account for where the money went. There are not a great many details but I will read them if you care.

Office and Management Salaries, that is essentially three people....

THE CHAIRMAN: What I was concerned about particularly was not what you did with the money. I was concerned about whether you consider that capital later in making up all your statements as Earned Income or not?

MR. SHECK: Yes, it is gross.

THE CHAIRMAN: I am not making myself clear. In the making up of your statement, you showed a loss you had. I am wondering if you separate your capital



expenditures from your upkeep, and what happens to the capital receipts?

MR. WILSON: In the business we are in, receipts from sales -- we are chargeable on our profit and an increase in the selling price over the cost price would be a profit for this particular type of company, so we can show that as income.

MR. SHECK: That is right.

MR. WILSON: We charge against it the cost of the property, but we are the type of company where any profit we make on sales is income and taxable as such.

THE CHAIRMAN: The company paid it as a company?

MR. WILSON: Yes. We paid \$1,000. an acre in the 1920's for the property. This was out where there was to be a great deal of traffic and land values had become very inflated. That was one of the struggles we had, but we got the \$30,000. mortgage down to \$2,000., and we have not been the type of company to make money on a large scale.

THE CHAIRMAN: How much was your original investment?

MR. WILSON: I believe there was about \$50,000.

MR. SHECK: I had very close to \$50,000. I





was not with them at the time but, I believe, that originally \$50,000. was put in.

MR. WILSON: I do not recall.

MR. SHECK: I think about \$50,000. would be right. That was originally put in.

MR. THOMAS (Ontario): I would like to ask Mr. Wilson a question. Do you send your annual statement to the Department?

MR. WILSON: Yes.

MR. THOMAS (Ontario): The sum of \$200,000. was mentioned. Does that mean, when all of the plots are sold there would be \$200,000. in the Perpetual Care Fund?

MR. SHECK: Between \$175,000. and \$200,000.

MR. THOMAS (Ontario): Let us take it at \$200,000. At 4%, that would only bring in about \$8,000. a year. Would that be enough to maintain the cemetery?

MR. SHECK: Of course we cannot go too far into the future in our thinking, but unless this inflation which has taken hold of the world continues, the amount now necessary for just purely maintaining the cemetery, we believe, is about \$5,000. a year.

MR. WILSON: That is our present experience.

MR. SHECK: Yes, and we are maintaining the entire 50 acres, the same as we will ever do. We will

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never do any more than we are doing now.

MR. WILSON: No more is necessary.

MR. SHECK: That is right.

THE CHAIRMAN: I think you would agree that the fact that you have had this loss over the years is really a capital expenditure in the development of the company. You really have not experienced that loss in the operation of your cemetery.

MR. WILSON: The company is really solvent.

THE CHAIRMAN: But your loss in operations, part of that was the development charge which you could have charged against capital in the beginning.

MR. WILSON: Yes. Mr. Sheck has advanced money. The company still owes you money, does it not?

MR. SHECK: Yes.

MR. WILSON: And considerable of it you loaned without any interest?

MR. SHECK: Yes.

THE CHAIRMAN: Really that does not enter into the picture, because you have a sound financial proposition and you chose to finance that without putting up a great deal of money. That was your own choice and you are coming out all right.

MR. WILSON: We hope some day we may. There has never been any dividend.



THE CHAIRMAN: The dividend has been invested back into the company.

MR. WILSON: That is right.

THE CHAIRMAN: I want to ask you what your arrangement is with the bronze tablets? Do you sell them?

MR. SHECK: Yes.

THE CHAIRMAN: Do you permit anyone else to sell them?

MR. SHECK: Yes, if they meet the specifications which have been put into the rules and regulations given each lot owner when he receives the deed. A certain type has been designated for the sake of uniformity and the contents of the plaque, which varies greatly among different manufacturers. They must meet certain specifications which engineers have told us were the most durable nature. Aside from that there are no other restrictions.

THE CHAIRMAN: You charge for the building of the foundation? Do you know how they are built?

MR. SHECK: They use a form and concrete.

THE CHAIRMAN: How deep?

MR. SHECK: I believe -- I am guessing -- they are three feet.

MR. WILSON: How about the other property?





MR. SHECK: They vary between two to three feet deep.

THE CHAIRMAN: What is the size of your lot?

MR. SHECK: I believe, 10' x 18', 180 sq. ft.

MR. WILSON: For six grave plots?

MR. SHECK: Plus easements provided along the side of the plot.

THE CHAIRMAN: Do you erect the bronze monuments entirely free from the grave?

MR. SHECK: That is right.

THE CHAIRMAN: They are erected and installed on land? There is no box under it?

MR. SHECK: That is right.

MR. THOMAS (Ontario): I take it that they are interested only in the specifications but not in the sale at all?

MR. SHECK: No.

MR. THOMAS (Ontario): Because we had one gentleman on Monday, who said that he had found some difficulty in selling bronze plaques of this type in Gardens. He had some difficulty in getting in there. He was not specific about it, but he said he had difficulty with these Gardens.

MR. SHECK: Of course we make no restrictions, but I can see why a cemetery property might want to control



the sale of the bronze products and that is this: An outside bronze company coming in to sell bronze in a given property would make that sale and when it was paid for, they would lose interest. The cemetery will have that to contend with for all time, so that for the sake of uniformity and for the little profit on the bronze sale, they are being compensated somewhat for taking care of that marker. I said before it is negligible, but there might be occasion where a foundation might sag and they would have to pay labour and so on, to repair it.

That would be the responsibility of the cemetery company and not the man who sold the marker, so there is some justification, although as I say in Victoria Memorial the policy has been anyone may sell a marker which is uniform and of the same metallic content as the specifications require. There are no restrictions on them.

THE CHAIRMAN: But you are interested in selling them, because it is part of your business, is it not?

MR. SHECK: That is true, but that is not the important part of the business by any means.

MR. THOMAS (Ontario): The question of the installation is not the responsibility of the bronze people. It is installed by the cemetery people them-



selves?

MR. SHECK: That is right.

There are two ways, I believe, when a cemetery company does not want an outside bronze salesman in their property, there are two or three ways employed of discouraging him. One is by charging an outside concern more for his foundation than it costs the cemetery company.

MR. THOMAS (Ontario): That is rather dangerous, is it not?

MR. SHECK: I would not do it. I do not believe anyone in our outfit would do it.

THE CHAIRMAN: I would hardly expect you to go that far, because I think all cemeteries make a profit on these installations.

MR. SHECK: We consider \$10.00 is a proper charge.

MR. WILSON: Ours is concrete and not granite. We feel it is more satisfactory.

MR. ROOT: You build these foundations for any type of bronze for \$10.00?

MR. SHECK: That is right. That is the normal size of 4 x 2. It would not be the family marker which I think has space for two or three. There are not many of those in the entire Park.

MR. ROOT: What do you charge for it?





MR. SHECK: Twice that.

MR. WILSON: I think we have only three or four of them in the whole Park. Some of our directors who have died were buried there and we donated them, but they are the principal ones.

THE CHAIRMAN: That price you quoted for the lot cost, is the complete cost?

MR. SHECK: Yes.

THE CHAIRMAN: There is nothing added to that for anything?

MR. SHECK: No.

THE CHAIRMAN: In the direction of your salesmen, do you have a selling etiquette which you follow or do you leave it to the salesman? Is he free to go anywhere he chooses, even to a hospital, if he wanted to go to a hospital?

MR. SHECK: No, they never do that.

THE CHAIRMAN: Do you instruct them where they go to sell, or do you have any instructions for your salesmen?

MR. SHECK: Usually, they are assigned to a certain neighborhood so they are not running all over the place.

I do not know if they have ever been told particularly not to go to a hospital. That would be



a shocking thing for anyone to do. The people we employ are usually residents of Windsor and they would not do a thing like that.

THE CHAIRMAN: If a person falls down on the payments of a sale, does he lose the amount of money he has already paid?

MR. SHECK: No. We have a plan whereby if they do fall down on their payments and later need a lot in there, the amount they have paid will be credited to the purchase price when they require it.

If they decided not to go in that property they would lose it because the initial payment they made probably would have been expended in overhead, and the company would realize nothing from it.

THE CHAIRMAN: Do you have an indigent section in your cemetery?

MR. SHECK: Yes.

THE CHAIRMAN: What is your method of managing that?

MR. SHECK: I would not know.

MR. WILSON: I think the Act requires that to be done and, as I have pointed out, we may have been a little naive but we have gone to the absolute limit in an effort to comply with all of the regulations.

I have been out to see Doctor Berry whenever



any problems arose, maybe beyond what might have been regarded as required in trying to keep within the regulations of the Act.

THE CHAIRMAN: What would be your opinion regarding the requirement of a cemetery to develop a portion of that particular cemetery at one particular time? You chose to develop 50 acres.

MR. SHECK: Yes.

THE CHAIRMAN: You would hardly suggest that this Committee should make a recommendation whereby if a cemetery is purchased, it must immediately become a respectable looking piece of property?

MR. SHECK: No. I think probably that would call for an initial cash outlay which might make it prohibitive. Anyway, I suppose from the standpoint of maintenance only that much of it should be developed which is going to be used, and money should be put into the Perpetual Care Fund so there will be some held back for maintaining it.

I think it is just as wise to do it the other way. We chose to do the whole thing at once, but the other way is alright, but should only be done by responsible people who will of course carry on a programme they promised to put into effect.

THE CHAIRMAN: When the breadwinner dies, do you have a limit on the amount of money he must





have paid?

MR. SHECK: So long as he has paid 10% in, and the breadwinner dies, the widow is given a deed to the property without further question.

THE CHAIRMAN: What about perpetual upkeep of that lot?

MR. SHECK: The company must pay according to the full price of the sale.

THE CHAIRMAN: The company puts that permanent requirement in the fund?

MR. SHECK: Yes.

THE CHAIRMAN: The price of your lots is comparatively cheap in comparison with some other memorial type cemeteries.

MR. SHECK: Yes.

THE CHAIRMAN: Naturally, as an individual working under free enterprise you would probably object to any controls on the price of lots, which would be sold, or would you? What do you think the Department of the Government connected with cemeteries would be justified in doing, and do you consider cemeteries are in a little different class than hats, cars or coats, and sort of a semi-public or public utility? They are a public need for everyone, and having regard to the cemetery need in a community, should we encourage too



many cemeteries? Should we do things which would gradually increase the cost to the individual of the requirements so far as cemetery lots are concerned? Do you think the Department of the Government which has oversight of this, would be justified in exercising any control over the price of the lots?

MR. SHECK: Yes. At the present time, before any price raise can be had, we must apply to the Department of Health and they say whether or not a raise in price can be made.

MR. WILSON: We have always done so.

THE CHAIRMAN: In your original plan there was no limitation to that, you chose the price you were to charge.

MR. SHECK: Yes.

MR. WILSON: I am not sure but what we submitted our original price list. I know we submitted all subsequent requests for a price raise and we have the approval in our file in every case.

THE CHAIRMAN: The question of municipal tax always comes up. Of course we listened to what Mr. Wilson had to say, but it appears that it can be a very great problem because, not in our time but in some one's time, your cemetery will be filled and there will be no revenue except the revenue from the permanent



upkeep fund.

MR. SHECK: That is right.

THE CHAIRMAN: And the permanent upkeep fund has not been set up with the thought of paying municipal taxes. Perhaps you might suggest a way by which we could insure municipal taxes might be paid. It is one of the problems which seems to concern this Committee, even those who say municipal taxes should be charged to cemeteries which are already operating and have their plan of operating determined. We do not see where there is any money to pay taxes.

MR. SHECK: I do not either in this particular company.

MR. WILSON: Is that not the principle of the law at the present time? You cannot enforce an easement against the cemetery property and we regard it as a different type of property.

THE CHAIRMAN: It would seem that if cemeteries are to be taxed, it must be determined at the time the cemetery is begun.

MR. WILSON: I would think so.

THE CHAIRMAN: Would any of the members like to ask Mr. Wilson or Mr. Sheck any questions?

MR. WILSON: We want to thank you for the patience which you and the Committee have shown in





having us here this morning.

THE CHAIRMAN: The Committee feel they are indebted to you because I suspect that you suspect that this Committee is not a group of specialists, so far as cemeteries are concerned. They are endeavouring to learn the cemetery situation from men like yourself, and are indebted to men like yourself for coming before the Committee and for your co-operation.

MR. WILSON: That was my particular reason for having Mr. Sheck with me today. Thank you very much.

THE CHAIRMAN: We will adjourn for five minutes.

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---- Whereupon a short recess was had.

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---- Upon resuming.

THE CHAIRMAN: We will now hear from the Canadian Association of Memorial Craftsmen.

MR. K. CAMPBELL: Mr. Chairman, Gentlemen of the Committee and ladies and gentlemen of the public, whom I presume are on the outside of the rail as we were until we came in a moment ago.



The one thing that I have observed is that I believe, after this Select Committee has brought in its recommendations and they have become law, the Ontario cemeteries are going to be in better shape than they are today.

I am surprised at the astronomical figures of those which have been quoted here this morning, and in reading press reports of the gatherings in Toronto.

I am going to tell you quite frankly we have no such things as that in our report, because we have been caught for several years between the management of different cemeteries which we go into.

We are the people who sell the monuments to the public of the Dominion of Canada. The Canadian Association of Memorial Craftsmen is our organization endeavouring to elevate the standard of memorial craftsmen in Canada.

There is not one of you but has some sentiment regarding a monument, and with that in mind I would like to make the statement that the cemetery is the only place we have to put a monument.

We are not asking you to pass judgment on the merits, or otherwise, of memorialization. I do not think that is the purpose of this Committee. I believe its purpose is to establish public hearings such as were



held in Toronto and here in London, and other places perhaps too, to find ways and means of setting our cemeteries in the Province of Ontario, on a dignified basis.

Regardless of how that is done, that is the responsibility of this Committee, and we as an association with members from coast to coast commend the Ontario Legislature for establishing this Committee for that purpose.

You, as I understand, are a fact-finding body and I want to tell you from reports which we have from various other provinces, they are watching these deliberations very carefully, in fact some of the states in the union are watching them too.

I have been down in the United States, and I find that cemetery care and conditions are uppermost in the minds of anybody who has any degree of decency. It is man's last resting place and in our humble opinion is definitely subjected to mercenary claims.

That is where we stand, we are not going to suggest to you how to do it. That is your responsibility, and as far as we are concerned we are assured by the appointment of this Committee that the Ontario Cemeteries Act is going to be well taken care of at some future session of your Legislature.





As I said to you, we cannot recommend to you anything we are going to do but tell you what we have, and if it is of any use to you, you can have it for what it is worth.

We have come to you today in full appreciation of the fact that we have been asked. We asked for a hearing and we have been given it. If we have not the answers to some of your questions as far as figures are concerned, it is because we are not in a position to deal in cemeteries, all we do is co-operate.

Cemeteries have their rules and by-laws. In the traditional cemeteries they call them "tombstones", but the name of "tombstone" is fast dying out with the advent of the automobile, and they are known today as "memorials". That is why even "high-faluting" names of cemeteries have tried to keep them in the memorialization idea, which I do not blame them for.

I do not think, as president of this Association, that neither dignity nor sentiment can be separated from man's last resting place, and these astronomical figures of dollars and cents do not mean much to me, or to Mr. King, because we are not in the business.

The almighty dollar - and for Mr. Sheck's edification - it is not the "almighty American dollar", it is the "almighty Canadian dollar" seems to



have been set up as the standard.

It is an operating cost and that is all I am going to refer to it as. We have different cemeteries into which our members go, different costs for foundations and installations. We have nothing to do with that except in the little church cemeteries where we are allowed to go in and put in the foundations ourselves. We put in just as good a job most of the time as the cemetery which has control over the foundations.

In our brief to you today -- I am not going to take up too much time -- we will stick strictly to the text of your agenda, which was advertised in the public press. I would just like to call attention to the Select Committee, that no matter what comes, or what the outcome of these deliberations is, we have every faith and every confidence in the recommendations which this Select Committee will bring in and the amendments to the Ontario Cemeteries Act, which will protect the public interest which is the first consideration.

That is where the dollar slips back into the background. The public interest must be protected and we, as an association, assure you we are not going to quarrel with any recommendations you bring in. We may not agree with them. It is our democratic right



and it is your democratic right to bring in what you think is the correct thing.

As far as the monuments of this country and of Ontario, are concerned, we will be pleased with any amendments you recommend.

I will read this to you and if you have any questions which we can answer, we will do so, and if we cannot we will frankly tell you so. We are caught between two types of cemeteries and we are not allowed into one by legislation they have created. That is their prerogative so far as they are concerned, but this is what we have to say as far as Memorial Craftsmen are concerned:

" The Members of the Canadian Association of Memorial Craftsmen are grateful for this opportunity to appear before a Select Committee of the Ontario Legislature, which is appointed to study the Cemeteries Act and the Regulations thereof.

Our views are strictly confined to the clauses of the Agenda as advertised in the Press:

(a) The creation, investments and supervision of funds for the Perpetual Care of Cemeteries, Cemetery Plots, Monuments and other Cemetery Facilities."





We do not think for a moment that the opinion of whether monuments are the correct thing or not, is on trial at these hearings. We feel the public is going to desire to purchase monuments of the type that we can install for a long, long time. We are not arguing the point whether memorials are a proper thing or not. The point in question is the proper administration of our cemeteries as far as the Province is concerned.

" The Creation of Funds for the Perpetual Care of all Cemeteries should be based upon a minimum of 50% of the sale price of lots or plots. This minimum should apply to all Cemeteries, Publicly or Privately-Owned.

In the establishment of a new Cemetery, either publicly or privately-owned, a sufficient sum, to be determined by the Ontario Legislature, should have to be set aside, along with the minimum of 50% of the subsequent sale of lots or plots. No burials should be permitted in an undeveloped cemetery as has been done in the past in this Province.

The Investments of Funds created for Perpetual Care of Cemeteries, Cemetery Plots and other Facilities of a Cemetery should be



"placed in a properly established Trust Account created by the Legislature of this Province.

The Supervision of these Funds

should be under the authority of the Department of Government administering the affairs of all Cemeteries within the Province and open to Government Inspection at regular intervals in order to insure a proper accounting thereof."

We are not talking about the maintenance of a cemetery. You will understand that. If the Press reports are correct, a reference was made in Toronto to "grotesque" and "freak" monuments, but we will deal with that later.

" The Care of Monuments is primarily based upon the installation of a proper foundation. Many examples of tilting or fallen monuments are due to faulty concrete or not sufficient depth. Throughout the centuries granite and marble have been the tested media for Memorial purposes and most Cemeteries, with foresight, permit granite or marble only. We would request this Committee to study ways and means of establishing



"a more equitable and uniform cost for monument foundations. Examples of varying prices for comparable sizes are in evidence in many different parts of the Province."

I would like to make a comment that we as individual memorial dealers are subjected to just about what the cemetery feels we can pay. We absorb that in our cost of the monument to the customer. That is the only explanation of that. We are not questioning motives at all but we are questioning the method of selling plots, tombs or other cemetery facilities. That deals with clause (b) on your agenda.

" We take a dim view of present legislation which permits door-to-door salesmen, for non-monument Cemeteries, competing with one another and in competition with the traditional Cemetery. The public of this or any other province in this Dominion of Canada, should not be subjected to these kinds of mercenary schemes. We are of the opinion that there is great merit in pre-need purchasing of Cemetery Plots, but may we call to your attention that high pressure selling by No Monument Cemeteries is a vastly different matter. The proponents of the No Monument





"Cemetery attempt to curry favour with the public of this Province by suggesting that, in barring monuments from their cemeteries, the cost of the completed plot is not as high as in the traditional cemetery. We are presenting herewith a case history of a transaction between a resident of London and a No Monument Cemetery which, through photostatic copies, appears to refute the above mentioned claim. A deed for Cemetery Lots and a copy of by-laws, would be a forward step in the elimination of abuses and sharp practices now in vogue. In a case where a cemetery plot or lot is sold on the instalment plan, the initial payment should be sufficiently large to set aside the 50% minimum necessary for Perpetual Care."

May I suggest that might throw some light on what your Chairman had in mind when he suggested as these cemeteries were filled up through sale, there must be some foresight in establishing Perpetual Care for the future.

There can be no sale of lots to augment that Fund. These are a few facts I have gleaned from travelling across the country. I think the public will



agree with me.

"(1) A citizen of the Province of Ontario has a legal right to purchase a monument of his choice, if he so desires.

(2) If restrictive regulations by cemeteries are imposed, the purchaser is being denied his only use of the monument which he has a legal right to buy.

(3) A grave marker is not a monument and vice versa: a monument is not a grave marker.

(4) Certain cemeteries set aside a portion in which grave markers (only) are permitted.

(5) No Monument Cemeteries should be compelled to set aside areas in which a citizen must have his right to erect a monument if he desires.

(6) Justice for all is one of the best methods of preserving our Democratic way of life.

Many States in the Union to the south of us are taking remedial action, through effective legislation, to curb the activities of mercenary organizations who dare to traffic in man's last resting place.

Regardless of the many views expressed by various representations to this Committee, the Members of the Canadian Association of Memorial Craftsmen, recognize



the fact that the only issue at stake in these matters is the public's interests. We are well aware that the members of this Select Committee share these views with us.

We, of the Canadian Association of Memorial Craftsmen, are confident that this Committee shall see fit to recommend appropriate amendments to our Cemeteries Act which shall restore the cemeteries of this Province to their rightful place of beauty and dignity.

Memorialization is one of the oldest crafts practised by civilization. The human desire to place a suitable Memorial over the mortal remains of our loved ones is actuated by love, affection and a wish to cherish the memory of those who have departed this life.

Grotesque and freak monuments are as extinct as Dodo birds. An ideal has taken their place.

Ideals are created in the hearts of men.

Unsavory ideas are conceived in the minds of men."

I am going to close this Brief. We have a memorial ideal just the same as these other people who have presented Briefs, and our ideal is simply this:

"A monument built of granite or marble,  
symbolic in design, reverent in purpose,  
resting in surroundings of peace and beauty,





"a tribute of respect and honour to the dead,  
a constant source of inspiration to the  
living.

Gentlemen, that could be the ideal Ontario  
Cemetery.

Respectfully submitted by  
The Canadian Association of Memorial Craftsmen.

Presented by:                    Douglas King, Toronto, and  
                                 Keith Campbell, Galt, Ontario."

I am sure, ladies and gentlemen, that could  
be an Ontario Cemetery and I think that is the ideal  
these gentlemen wish to convey to the public by any  
amendments they make to the Act, and they have the  
interests of our cemeteries at heart.

Thank you very kindly, Mr. Chairman. You  
will be very surprised our Brief has not knocked you  
down with figures because we have not got them. We  
are not in the cemetery business. We just have one  
place to put a monument and that is in a cemetery.

If you have any questions I will try to answer  
them if I can, and if not we will tell you frankly we do  
not know.

THE CHAIRMAN:    Thank you.    There are a few  
questions I would like to ask you.    One of them is



regarding the installation of monuments. I do not know what recommendations the Committee will bring in, but I am certain they will consider very carefully recommendations regarding the erection of monuments.

First of all, could you say from your experience if a great many lots in cemeteries have been made too small? Do you always find a place to put the monument which is satisfactory to yourself when you go to erect a monument?

MR. CAMPBELL: Yes. They are in the Galt community. I come from Galt and we find that the traditional or municipal cemeteries, as we go into them, have made ample provision. Some have different sizes of graves. I noted with keen interest the size of the Windsor graves which we heard about this morning, and they vary. As I say, there is a divergence of measurements but in any cemetery we go into we find there is room for the monument. The traditional cemetery has made provision for it.

THE CHAIRMAN: We have had statements made to us that many lots are only eight feet long.

MR. CAMPBELL: That is correct in many cases.

THE CHAIRMAN: Does that give you room?

MR. CAMPBELL: True it has not given us as much as it should. That is why the public sometimes

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complain about the size of their plots. We have to listen to the many complaints which the public make and, while we have no control over them, we try to make the customer satisfied with the plot he has in a particular cemetery.

THE CHAIRMAN: This Committee feels that it is a matter of personal feeling and, as you suggest, there is not likely to be any suggestion as to whether persons should have monuments or not, but I think this Committee will be concerned -- and very vitally concerned -- with the fact that if there is going to be a monument erected, it is properly erected. There are members on this Committee who feel a great many monuments have been very badly erected and a great deal of trouble which is coming to cemeteries now has come because monuments were not properly erected in the past.

MR. CAMPBELL: Would you know where? I would like to know because we have never been able to find out in our years of experience, but can you tell us or can anyone at this hearing tell us whether the cemeteries from which the complaints about the condition of monuments come, have been from the cemeteries mostly who do not like us to put in a foundation? We are divided into two categories.

Much has been said this morning about the little churchyard cemetery. Ours is an old firm and





I am going to give you an example to help you form an opinion.

Where we have the privilege through By-laws of putting in the foundation - and I refer to this in view of the fact many cemeteries especially in little villages, in small churchyard cemeteries, do not have by-laws.

There are those where we can put in foundations ourselves, and there are those where we are not allowed to

We were wondering whether you had the information regarding the cemetery from which a complaint came, whether or not it was a cemetery where we were putting in the foundation or whether the complaint came from a cemetery where we were not allowed to do it ourselves and we had to take the foundation we were charged for?

We say in the proper setting-up of a monument, the foundation should be down sufficiently deep. We find in many cases, regardless of where it is, the frost has heaved it and climatic conditions suggest that anything which goes into the ground in view of the extreme cold and heat we have in this country, must be down deep enough.

We find in most cases, when we put in a foundation we make as good a job as we can, because that is our responsibility.

THE CHAIRMAN: I would not say we have had

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the evidence directly before the Committee, but I do not think the monument men are free from the guilt of making bad foundations.

MR. CAMPBELL: I just want to suggest to you that we have discussed this matter in our own Association, and my humble opinion is, that <sup>for</sup> everyone of us, it is human to err, and some do it intentionally.

You must take the human element into the situation in preparing proper legislation. It is my contention that legislation was not enacted for the law-abiding citizen. It is intended for the crook or the fellow who avoids doing the proper thing for his fellow-man. In my opinion that is the basis of proper legislation, and if these things are circumvented it is up to the person who does it, whoever he is, he is guilty just the same

THE CHAIRMAN: The Committee might feel if we brought in very stringent regulations so far as monument erection is concerned, we <sup>would</sup> do it as a guide, because aside from honesty, I am sure there has not been the proper amount of knowledge on the part of a great many people who have been in this business.

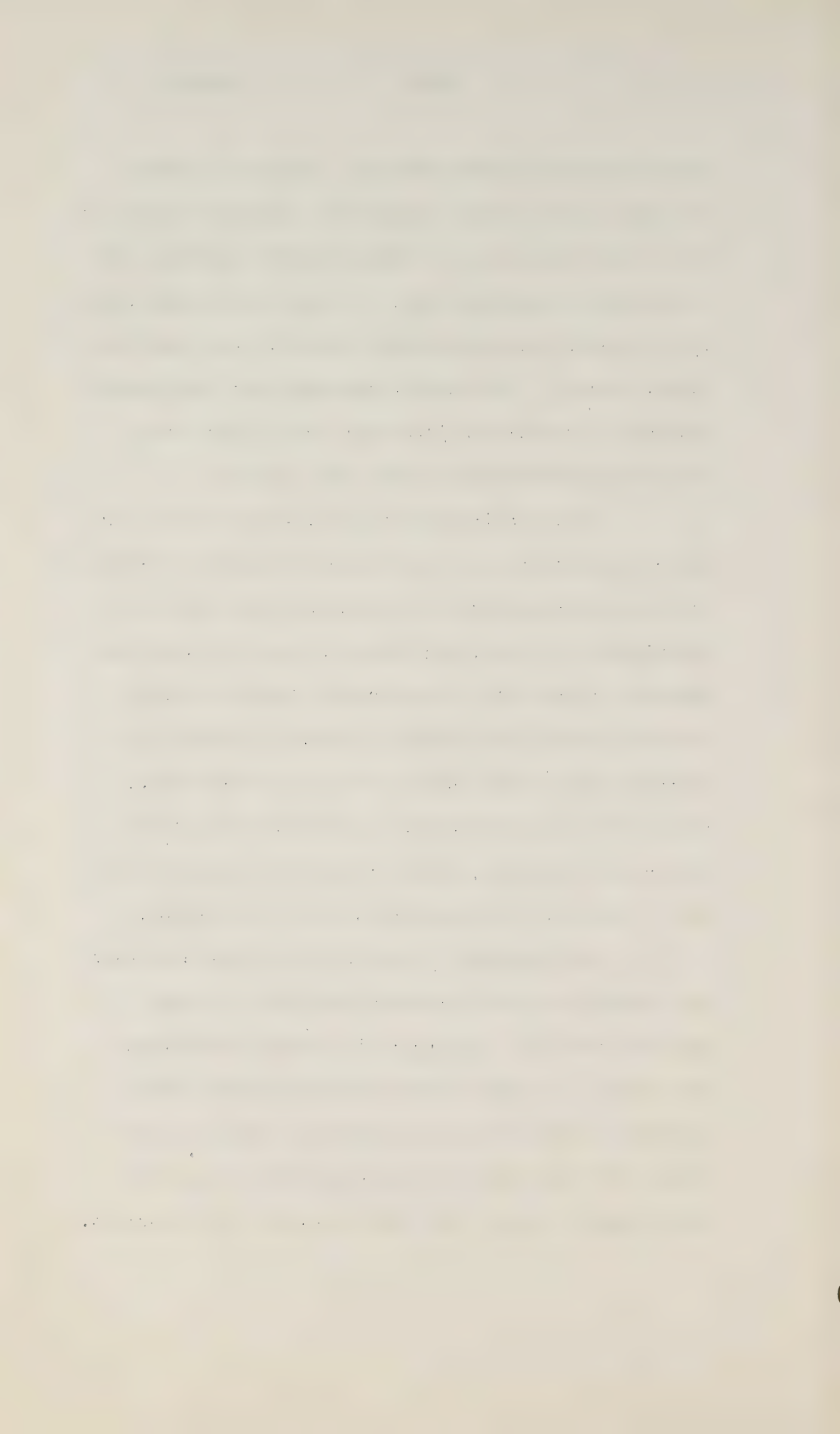
MR. CAMPBELL: I suggest to you, too, that some of the complaints have been lodged because of



faulty monuments or foundations. Some of you who live out in the smaller communities will know instances where a man will put in a foundation for anything, for a sidewalk or anything else. He has not the knowledge of the mixture of cement which should be used and what it will carry. We find for the most part the superintendents of cemeteries into which we go have a very fair working knowledge of what they require.

Soil conditions have much to do with it also and we are not in a position to question them. We will pay for perhaps foundations of five and a half feet in a municipality of Galt, for example, where the municipal cemetery is under the direction of the City Council. There we pay the City Council, without question, for whatever they say we should put in the foundations. We are not in a position to say whether these foundations are down two, three or ten feet, unless we dig down. That is the proposition we are up against.

THE CHAIRMAN: Some of the evidence we have had before the Committee would indicate to us the greatest cause of tipping is in putting foundations over boxes. We have found there are a great many cemeteries which have been laid out -- and I am sorry to say the Department of Health must have approved their plans -- where there was no place for a monument.



MR. CAMPBELL: That is correct.

THE CHAIRMAN: So I am sure the Committee will take that into consideration. For instance, one of the small cemetery representatives who appeared before us in Toronto, said they made their foundations seven feet deep when the grave is seven feet deep and that looked to us like a splendid foundation. It looked as if the foundation should always go as low as the bottom of the box.

MR. CAMPBELL: May I give you the information I have? I have gone into cemeteries where the foundations go down two and a half feet. This is not heresay, it is fact, but the position in which they were put was in heavy clay which means it is very difficult to dig into. Monuments have been set down two and a half to three feet and have been good for many, many years. Conditions like that I think, should be taken into consideration when you consider the depth you must go down.

THE CHAIRMAN: If regulations are brought in by the Committee, the regulations will have to be very definite and some person will do work that is not necessary. Would you feel a regulation requiring the foundation to go a couple of inches below the bottom of the excavation for the grave was unreasonable, or





reasonable, desirable or undesirable?

MR. CAMPBELL: Have you any views on that, Mr. King?

MR. KING: The only thing I can say is that you would have to take the type of soil into consideration.

MR. ALLEN (Middlesex South): You said it was impossible to put the foundations for the tombstones down any more than two and a half feet in heavy clay soil. How about the grave? Is the grave only two and a half feet down?

MR. CAMPBELL: I do not want to leave the wrong impression with you. The grave was down the required depth, according to the Department of Health, but what I was trying to convey to you was that going beyond the two or three feet mark was absolutely unnecessary because it would carry the weight of that size of plot. That was the opinion of the superintendent of that cemetery.

THE CHAIRMAN: But as soon as we place it back in the hands of the superintendent of the cemetery, we do not have a regulation.

MR. KING: The human element comes in there. Mostly in the small cemeteries where the superintendent has all the "say", a lot of them will charge for a six



foot foundation but when they go to put the foundation in, it will only go down two and a half or three feet, and the monument they put in will be of such heavy weight it will of course tip. Therefore a requirement as to the correct depth should be one of the regulations.

THE CHAIRMAN: You would favour that?

MR. KING: I certainly would.

THE CHAIRMAN: One other thing. I would like to get your opinion on this question. I noticed in Number 5, of your Brief you say:

" No Monument Cemeteries should be compelled to set aside areas in which a citizen must have his right to erect a monument if he desires."

Is that right?

MR. CAMPBELL: Yes. In other words, today we are barred there entirely. We cannot go into that at all. That is just an observation.

THE CHAIRMAN: What would be the opinion in regard to giving to cemeteries a right to set aside a certain section of their cemetery as a Garden section in which no monuments will be permitted?

MR. KING: We acquiesce to that.

THE CHAIRMAN: You have no objection to it?



MR. KING: Not a bit. If that is the feeling, we must acquiesce. We have only one alternative and that is to place our case before public opinion. If they do not want to buy a monument, we will have to go out selling shoe laces. In the meantime, we feel the public is prepared to buy monuments and we must have a place to put them.

THE CHAIRMAN: I think there is no question about the right of the persons to go out and sell them. What we are saying is when we begin to restrict rights by saying, they have the power to set aside a section of that cemetery to establish a Garden-type cemetery, and controlling the markers placed in it, we must consider that very carefully.

MR. KING: We believe the greatest freedom is now subject to the restrictions they have placed upon us.

THE CHAIRMAN: Would any members like to ask any questions?

MR. THOMAS (Ontario): We have listened with a great deal of interest to the presentation of Mr. Shack and Mr. Wilson this morning. They gave figures to prove, in their opinion, 15% was sufficient for Perpetual Care. That is something which the Committee will have to go into, but I think we would agree and





the statement that there is a variation in the cost of maintenance in the different types of cemeteries.

I would like to ask you now if you still insist and maintain, as you say in your Brief, "50% of the sale price of lots or plots should be set aside for perpetual care in cemeteries"?

MR. CAMPBELL: Yes, I would say so for more than one reason. While 50% may seem like too much, we must all agree that we have evidence, which the Ontario Cemeteries Association will bear out that many of the cemeteries within their association, set aside a percentage for Perpetual Care anywhere from 30% to 74%.

That is another indication that there is a larger amount needed. I agree with you that there are varying conditions but I think we should take the long-range view in regard to our cemeteries. In 1953, we must bear in mind what will happen to them in 2053.

We all today are charged with the responsibility of not only providing proper facilities for burial, but who knows, in one thousand years there might not be interment at all. We do not know, but we should face the facts with the knowledge which we have now.

That is why I was glad when I heard your Chairman suggest when dealing with the Windsor brief,



what would happen to this cemetery when it was all sold out if there was no provision set aside for Perpetual Care in perpetuity. That is what perpetual care really means.

If insufficient money is put in now regardless of the inflationary condition of things, <sup>such as</sup> the high cost of labor which also varies, there will not be enough to carry on. That is why we have struck, with our knowledge of this thing, the figure of 50%. It might work quite satisfactorily at 40% across the Border.

MR. THOMAS (Ontario): With the variation in type of cemeteries, should there be a variation in the percentage of Perpetual Care?

MR. CAMPBELL: I would say this: I gathered the impression -- perhaps I was prejudiced, gentlemen, and I have every respect for their convictions -- but the impression I got at one point in their Brief was they were trying to make the point that the difference between the cost of Perpetual Upkeep was the responsibility of looking after the monument, I do not think that is just quite the proper interpretation of it, because all it involves is cutting grass.

We will admit grass cutting in any cemetery takes up a very great deal of the time but we have been



in cemeteries where the grass cutting was the biggest headache they had. I have been in other cemeteries where it was not. But where it was a headache, it was because they did not have the proper equipment to do it. They were cutting the lawns by hand and I will not even do that. I will not shovel snow. But as far as we are concerned, if a monument is properly installed in its place in the cemetery with the proper foundation, the proper depth, with the proper concrete, then the grass cutting around it is merely an incidental to the upkeep of the cemetery. It does not involve the upkeep of the monument. The upkeep of the monument, I would say, would be in restoring it to an upright position if it tipped over. There are monuments sitting upright today after 250 years, so that refutes an argument that a monument contributes excessively to the upkeep of a cemetery.

It is quite true that a monument may contribute a little more to the cost. In other words, it would take more out of your Perpetual Care Fund, but remember that dollars and cents are not the only motive behind the thing. There is a little sentiment too.

MR. ROOT: Along that line, I intended to ask a question. There is sentiment regarding monuments?



MR. CAMPBELL: Yes.

MR. ROOT: It is everybody's privilege whether they have a monument or not?

MR. CAMPBELL: Right.

MR. ROOT: Do you think the Perpetual Care Fund should be based on the cost of the monument as well as the cost of the lot? In other words, someone decides he wants to erect a very large monument and there is more upkeep and more danger of tipping due to the heavy monument. Do you think the cost of Perpetual Care should be based on the lot and on the monument as well?

MR. CAMPBELL: I think if a proper interpretation of that were given by cemeteries -- I hope you are not driving me into any opinion regarding cemetery operation, because I do not know, but I would suggest this to you: Some of the costs that were charged for putting in monuments and foundations should be kept in mind when and if the cemetery has any difficulty in raising funds for Perpetual Care. They certainly have a good start on us. That is being frank with you. In some cases we have been asked to pay so much for the installation of foundations for monuments, they have just about taken all of the profit we have from our service to the customer as far as the monuments are concerned.





MR. KING: Mr. Chairman, on that point it would mean that if people stopped buying monuments, you would be without Perpetual Care. On the figures just quoted this morning from the Windsor delegation when the cemetery was sold out they would not have sufficient income for the upkeep of it. I think that speaks for itself regarding Perpetual Care.

MR. THOMAS (Ontario): I do not think that is quite true. They did say the cost of the maintenance of the cemetery was \$5,000. a year and when all of the plots had been sold they would have \$200,000. in a Perpetual Care Fund, which invested at 4% would bring in \$8,000. a year.

THE CHAIRMAN: I can straighten you out. We do not want an argument about Windsor. I think you are both right. The cost of upkeep was \$12,000. last year, towards which the grave openings contributed \$7,000., and the net debit was \$5,000. Is that correct?

MR. ALLEN (Middlesex South): Yes. Once it is completed there would not be \$7,000.

THE CHAIRMAN: I can assure you the Committee will give very careful consideration to the amount of money necessary for Perpetual Care. Thank you very much.



MR. W. A. NOBLE (Woodland Cemetery, London):

I represent a non-profit organization operating under the Trusteeship of St. Paul's Cathedral, London, Ontario - perhaps the largest church-operated cemetery in Western Ontario.

Point #1. Commission Sales of Cemetery Lots.

At the outset, we wish to state that we welcome competition -- clean competition; but we find through experience, that commission sales of cemetery lots have a tendency to produce over-zealous salesmen whose fantastic stories and promises, when investigated, do much to discredit the entire cemetery endeavours.

1st instance: It has been stated on innumerable occasions by these salesmen that our burial reserve has been depleted to such an extent that we shall have to close our gates and accept burials in plots previously purchased only, and that our mausoleum, too, is expended. The truth of the matter is that we have sufficient burial ground developed and undeveloped to meet the requirements of an ever expanding community for the next 75 or more years; and too, in the Mausoleum there are a number of crypts still available.

2nd instance: We are not ashamed of our old sections -- in fact we are proud of them, for in these



sections lay the remains of many of our pioneers, men and women who toiled and planned many of the things that we enjoy today. We note with regret that some salesmen equipped with photographs taken in established cemeteries depicting old plots with an over-abundance of monuments, have been working in this district. In showing these to their prospective customers far more stress has been paid to making a sale than to the reverence these resting places deserve. We note too, the absence of photographs of any of the more modern sections.

3rd instance: "That we make no provision for future care," whereas Woodland has at present an Endowed Care Fund of over \$200,000.00 which is constantly being augmented by investing 35% of all land sales."

For non-profit organization with a surplus over and above that 35%, it is also placed in that Endowed Care Fund.

Promises: Verbal commitments that are not borne out in writing.

1st instance: "This is all you'll ever have to pay", leaving the impression that the actual burial expense is prepaid.

2nd instance: "In our Garden Cemetery you don't have to buy or erect a monument. We furnish a





bronze plaque." This plaque when furnished often exceeds the price of a good monument.

Point #2. We suggest that the Cemetery Supervision should be transferred from the Sanitary Branch of the Department of Health, the same being replaced by a Cemetery Commission under the direction of Dr. Phillips, and that this commission should include at least two experienced cemetery men -- men fully conversant with cemetery operation and financing.

Point #3. We suggest that this commission discourage as far as possible, the indiscriminate removal of remains from old neglected cemeteries to make way for municipal expansion, suggesting that to save expense, these old cemeteries wherever possible, be transformed into parks or even playgrounds, for in our own opinion, there is far less desecration in kiddies romping than there is in digging or bulldozing out the bones to be re-interred in a pit in a cemetery perhaps equally neglected, to become another problem in the not too distant future. This can be taken as a reference to a project anticipated right here in the city of London.

Point #4. We propose that all cemeteries operating on a non-profit basis be governed by the same rules. We would be very foolish to close our eyes to



the fact that many, many church cemeteries and some municipal ones are a disgrace to our present civilization. This has come about largely because cemeteries in these two categories are to a great extent allowed to operate unchecked by any Provincial authority."

That is my Brief, Sir.

THE CHAIRMAN: Thank you very much. We have been particularly interested in your recommendations so far as neglected cemeteries are concerned. As you know, neglected or abandoned cemeteries are one of the problems which this Committee will have to consider and we have endeavoured from responsible persons like yourself to obtain information such as you have already expressed in your Brief, whether there would be an objection to the removing of the stones and turning the cemetery into a park, not necessarily a playground. Perhaps it could be a park with shrubs and trees which would be a cool spot in the neighborhood. We wonder whether it would be preferable to have the remains removed. The suggestion has been made that they might be cremated or they might be buried in another plot, and we are wondering what the general feeling is.

You have met a great many persons who are interested in this and we are particularly anxious to



know this: Supposing a cemetery becomes neglected and it becomes a charge on the municipality, or may become the charge of the municipality and they decide to do something with that cemetery. What would you think the public reaction would be to a regulation which would say, that before anything could be put in the way of a hindrance to those renovations, or whatever they propose, there must be a percentage of those who are interested or have friends in that cemetery object. The thought is that would avoid one or two persons preventing the renovation, or whatever it happened to be, to that cemetery. That is, it must represent some little group of public opinion rather than the opinion of one or two persons.

MR. NOBLE: Certainly, my own experience in connection with removals would lead me to say that I cannot recommend it. My experience regarding what we have in mind here is, a number of persons who have neglected their own holdings are the very ones who will jump up in Holy indignation when they start taking these bodies out. I think it is high time we took this matter up and had a ruling set on what is to be done with those cemeteries.

THE CHAIRMAN: That is exactly what I want. You feel that it is almost imperative there must be some



basis arrived at whereby there is a working arrangement or there is not.

MR. NOBLE: I happen to know this, there is one in question -- and it is true of practically all the neglected cemeteries -- where there are absolutely no plans of the location of the graves of the bodies outside of a tombstone here and a tombstone there, a slab here and a slab there, which mean that men undertaking the removal must dig and if they find, they are that much ahead and if they do not, then they dig that much more. In the operation you cannot put the man down a hole and dig out the remains of a person without smashing it all up. It is impossible.

Is there any less desecration in that than there is in having children romp on top of them? I cannot see it. That is my brief.

THE CHAIRMAN: Do any members wish to ask Mr. Noble any questions? May I ask you what you charge for graves?

MR. NOBLE: A single grave is \$30.00  
and cemetery lots in other sections \$40.00  
to \$50.00 a grave.

THE CHAIRMAN: How deep do you put your foundations for monuments?

MR. NOBLE: Right down to the bottom of the grave regardless of the texture of the soil. If it is





clay we still go down.

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REVEREND MR. BIRTCH (St. Barnabas Anglican Church, London): Mr. Chairman and members of the Committee, I have no brief or anything to submit, I just wish to say I am here this morning with your permission and I thank you for allowing me to speak today.

I have been at St. Barnabas in London East for something like two years now. I started there as a student and since then I have been ordained to the priesthood of the Anglican Church.

At St. Barnabas we have been very closely connected with the Forest Lawn Memorial Gardens. As you no doubt know that type of cemetery is very much similar to the type we heard of this morning in Windsor, and I would like to speak on behalf of them, hoping that what I say is not a prejudiced statement.

I feel Mr. Noble's support of our Anglican cemetery is also very fine and I do not think Mr. Noble, or any of us would like to suggest there is no room in this city for both types of cemeteries.

I feel for those people who have no church affiliation at all, perhaps Forest Lawn is by far the better type of cemetery, providing they do not wish a tombstone. If they wish a tombstone and have personal



feelings for such, according to the legislation of Forest Lawn Memorial they cannot expect to be interred there.

Forest Lawn Memorial Gardens, so far as I know, have always proved to be a very wonderful organization in support of community projects, in support of Christian churches, and I can speak on behalf of my own church especially. They have had a spiritual interest and have supported us in several activities.

Last year as most of you who are members of the City know, they encouraged and helped us in many ways, in our first annual Easter Sunrise Service. This speaks for itself for the spiritual goodwill of the Forest Lawn Memorial Gardens. In other words, although they may be classed as a profitable organization, still they have a sense of dignity and spiritual sincerity which I feel is something in their favour.

I know their management are all spiritual men and I do not see how they can help to be otherwise when they work in such wonderful areas, and in such a beautiful setting as you find at the Forest Lawn Memorial Gardens in London. I have seen a couple of Gardens elsewhere and I know they are the same. Please remember I am not speaking especially in their part but



I am speaking on their behalf in as much as they attended us in the London area.

Most of you will probably, as members of the Committee, go out and see that property and you will realize why I say they cannot help but be concerned with spiritual things, concerned with God our Creator and Jesus Christ our Saviour. In the Gardensthey have a beautiful monument of Christus that is really inspiring to anyone who goes and sees the Gardens.

I know that people on their honeymoon have been perhaps encouraged to visit Forest Lawn Memorial Gardens. Perhaps people on their honeymoon have stopped in the old cemetery as well, I know I did, but the fact that Forest Lawn Memorial Gardens of London East, is a place where a person can go any time during the day, especially on a Sunday afternoon and hear the music from their chimes, really speaks well for the organization.

As far as salesmanship principles are concerned, I cannot say much and do not wish to, except that we have many persons who have plots there and never once has there been a complaint to me of high pressure salesmanship.

Of course, this is only speaking for London. They have had to make revision of their management, but





I think that speaks on their behalf; they found it necessary in order to keep up the good name of the company.

That is all I wish to say this morning. I do not know whether you wish to ask me any questions.

THE CHAIRMAN: Would any members of the Committee like to ask the Reverend Mr. Birtch any questions?

MR. ROOT: What are your views regarding the pre-need sale? Death sometimes comes, but do you really think it is necessary to put high pressure salesmen on the road to convince a man he should buy a plot when he knows he has to have one?

REVEREND MR. BIRTCH: I think it is a wonderful thing that people are made to realize they must plan for the future. Maybe if I say this it will clarify it; we have to-day in our community 99% of homeowners with mortgages on their homes. If something should happen to the breadwinners, as I will call them, I would not be surprised if it were not for missions or charitable institutions some of them would end up in "pauper graves", whereas if they were shown the practicality of investing over the long-term plan, such as they would like to do with insurance -- and I know half of my parishoners do not carry insurance



policies -- I would like to support that type of salesmanship whereby the persons involved are made to realize that it is in their own interests for them to buy a plot.

I do not know whether the salesmen use great pressure, but that I think is something the company itself should regulate. In other words, I am in favour of the long-term policy of preparing for our future resting place.

MR. ROOT: I have no objection to that. I am wondering whether adding 25% to the cost of the plot just to have someone come around and tell me I need a plot is proper. That is actually how much they add to the cost of the sales.

REVEREND MR. BIRTCH: I see what you mean. As we have already heard this morning you have a point there but if the person involved were left to go down town to the office, there are nine chances out of ten he would not. To-day with so many traffic fatalities and other things, it might be worth the 25% to know they were going to have a resting place in a suitable place.

THE CHAIRMAN: Thank you very much Mr. Birch. Would anybody else like to speak to the Committee before we adjourn for lunch?



MR. ROBERT J. SMITH (Mount Pleasant Cemetery (London) Inc.): Mr. Chairman, I am going to make mine very short, sir. I am not actually representing any particular cemetery in the sense that I have any axe to grind. I have been involved in cemetery work as Superintendent and as Assistant Superintendent for three very different companies in the last ten years.

I started with Lindsay Cemetery Company. Of course in Lindsay I was with the Toronto General Burying Grounds and I am now at Mount Pleasant Cemetery here at London. I will make straight forward recommendations and if you have any questions I will be pleased to answer them.

THE CHAIRMAN: What sort of a cemetery is Mount Pleasant?

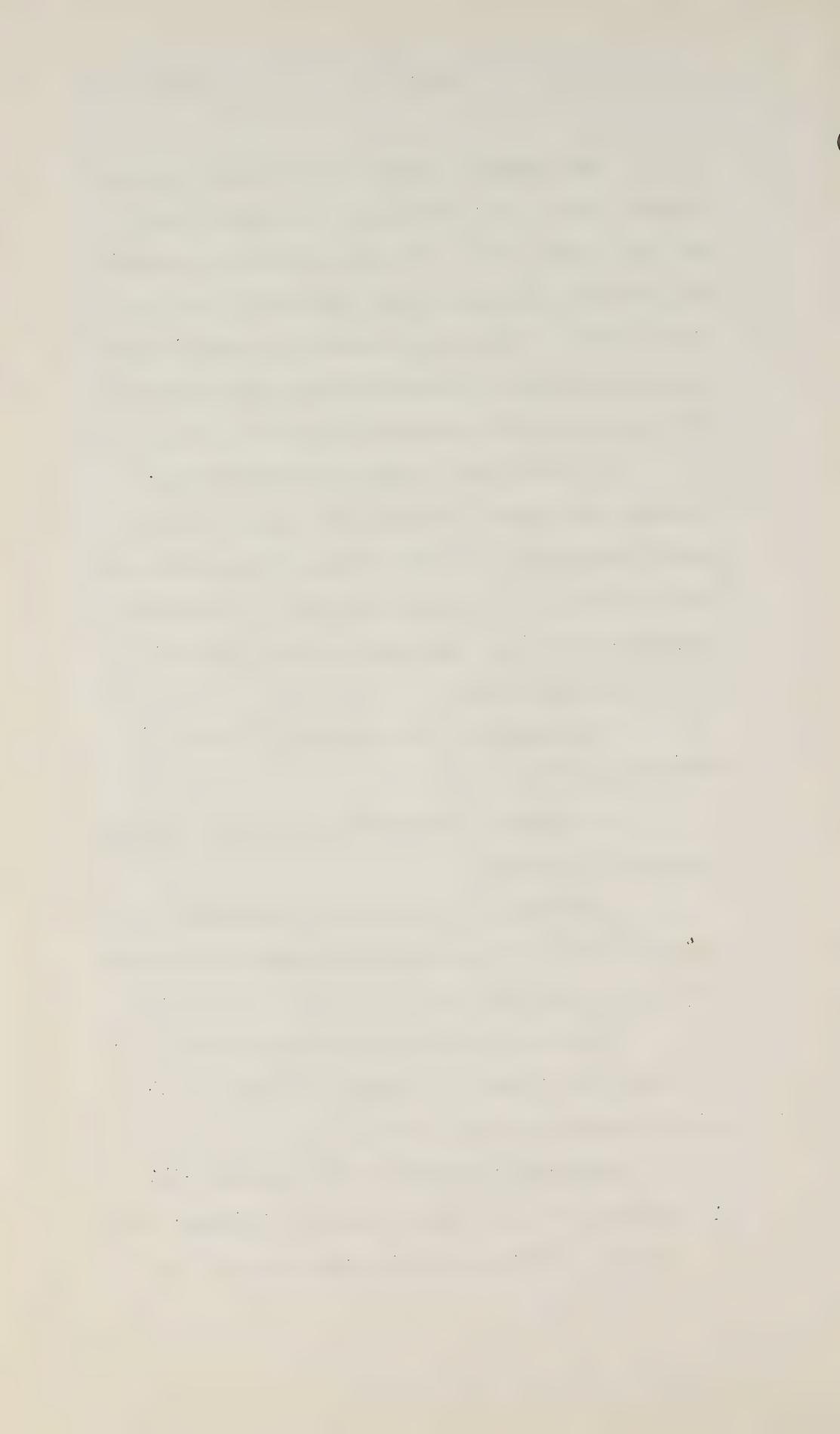
MR. SMITH: Traditional, non-profit cemetery operated by lot-owners.

A different lot owners, as shareholders, have elected a board of directors which operate the company and the directors are unpaid.

That is the same type of organization we had at Lindsay and the same they have in Toronto General Burying Grounds, or very similar.

Suggested Amendments to The Cemetery Act:

1. Perpetual Care as such be amended to Endowed Care with the provision made and understood by the



public that only the interest income can be spent on the care of lots. Old cemeteries should not be expected to provide care on old lots the same as on newer sections."

We are getting to the point in traditional cemeteries where we have a great deal of old ground and although we try to maintain it as best we can, I think it is a mistake that plot owners who paid \$20.00 in 1875, should expect the same care as someone who has paid \$100.00 today receives. It cannot be done financially and unless the cemetery is prepared to take it out of the new purchasers, it cannot be done in that way.

We work on the principle that you can only spend whatever money you take in, and that is spent on the grounds. We take care of the old part as best we can but it is not as good as the new part.

That is something which the Memorial Park owners hold over our heads that the old parts do not look as good as the newer sections. Theirs are all new. They have no old sections and have nothing to worry about in that respect. I think it should be stated in the Act definitely that interest income only on this section should be spent on them.





"2. That copies of rules and regulations be issued to each new purchaser of a cemetery lot. In case of advance of need sales, purchaser should have right to demand refund of purchase price less a small percentage for service charge for a period of three days after the purchase. Along with the rules and regulations a printed copy of the price list of services must be presented to the purchaser."

-- Not necessarily when the purchase is completed, but when he has made a down payment. You are buying something which will not be taken away. It is there in the cemetery and provision should be made in the Act that if a purchaser in buying a lot is not satisfied within three days, he should have a right to demand a refund of the purchase price. By that time, he knows what he is purchasing and he should be able to go back and have his money refunded to him on the principle that he is buying a piece of ground which has not been taken away. It is still there and what he has bought is really rules and regulations, and he has bought it under certain conditions.

When a sale is made, how often do you read the rules and regulations? I think a purchaser should



be able to go back and have his money refunded, if necessary a small charge made, within a certain period of time.

- "3. Sales staffs must be employed by the Cemetery direct and never on a commission basis."  
That of course has been gone over before.  
I also think similarly to Mr. Noble that:
- "4. That Department of Health should have a separate division to deal with cemeteries and enforce the Act."

Many of our cemeteries are in the conditions that they are in today because of the fact that the Act, as we have it now, is not policed. That is all.

THE CHAIRMAN: I would just like to ask you a couple of questions. You have taken a great deal of interest in cemeteries. What percentage do you set aside for Perpetual Care?

MR. SMITH: 30 per cent.

THE CHAIRMAN: Do you think it should be based on a percentage or a minimum amount of money per square foot, or per grave?

MR. SMITH: Actually, a certain amount per square foot.

THE CHAIRMAN: A percentage of the cost could be very different, could it not?



MR. SMITH: It could be. Yes.

THE CHAIRMAN: It really is not much of a measure is it?

MR. SMITH: It is a very poor measure. For example, in the three organizations I have been with, their prices have varied tremendously. At one time they were sold from \$10.00 up to \$90.00 or \$100.00, depending upon the location, so percentage is not a very good measure.

THE CHAIRMAN: Do you think Perpetual Upkeep Funds are important enough? If this Committee should bring in a recommendation as to a requirement for permanent upkeep funds, do you think they should err on the side of being generous?

MR. SMITH: I think they should, because we have experienced in the past fifty years a greater decrease in the buying power of the dollar, and I expect in the next fifty years our dollar will be worth even less.

THE CHAIRMAN: In the overall cost of a burial, another \$5.00 is not a terrifically important sum of money at that time, is it?

MR. SMITH: I do not think it should be.

THE CHAIRMAN: And it might be very important in fifty years from now in having to do with the con-





dition of that grave.

MR. SMITH: There is no doubt of that.

THE CHAIRMAN: What would be your opinion of the permission which might be given to your cemetery to require anyone interring a body in a lot which does not have perpetual care to pay the perpetual care before he is permitted to make a burial.

MR. SMITH: We have never buried on that basis.

THE CHAIRMAN: What would be your opinion of that?

MR. SMITH: It might be a good thing in many cases, and in some cases it would cause a certain amount of hardship.

THE CHAIRMAN: Most of this work is tempered with charity, but do you not think in many cases that would be paid and would help your permanent Upkeep Fund?

MR. SMITH: Yes.

THE CHAIRMAN: Because they are not discriminated against?

MR. SMITH: No.

THE CHAIRMAN: Because in every other grave which is sold, the amount had to be paid before the burial took place, did it not?

MR. SMITH: Yes, but in the old deeds issued



by the cemeteries they were given their choice whether Perpetual Care was given or not.

THE CHAIRMAN: Of course, you could not do anything there, but if you collected insufficient money that is the problem of the administration and they have suffered.

MR. SMITH: You were speaking of additional costs at the time of the funeral.

THE CHAIRMAN: In a great many cemeteries when a lot was sold there was nothing collected for Perpetual Care.

MR. SMITH: That is right.

THE CHAIRMAN: Supposing now someone is going to use those lots in a cemetery. Supposing we were to make a regulation requiring they could collect the money for the Perpetual Upkeep of that lot before they were to make that burial.

MR. SMITH: It could be done. It is commercializing our cemeteries and we try to avoid that.

THE CHAIRMAN: It is not, is it?

MR. SMITH: It is, in a sense.

THE CHAIRMAN: You have commercialized every other new grave in that section by making them pay money before the burial.

MR. SMITH: Yes, but this land has already



been sold, whether they were given a contract or whether it was just verbally sold to them as burial space, you still have sold the right of burial in it. It seems as if you are going over an understanding or verbal contract at that time.

THE CHAIRMAN: Do you think there would be objection to it? I am not suggesting it will be done.

MR. SMITH: I am quite sure there would be objection to it on the part of the people who had to do the paying. Most people feel they have already purchased the lot.

THE CHAIRMAN: If that is correct, what about the upkeep of those grounds?

MR. SMITH: I would say, all we can do is maintain them to the best of our financial ability.

THE CHAIRMAN: Which do you think is best, to charge enough to the new persons who contribute to the Permanent Upkeep Fund to make possible the upkeep of the old graves, or to charge the persons who use the old graves? That is really what you are doing.

MR. SMITH: Probably it would be more fair to charge the people who are using the old graves, but there are so many of the lots already filled, it would be difficult.

THE CHAIRMAN: Of course you cannot do anything about them.



MR. SMITH: Yes, but why should you take it from those you can get it from?

THE CHAIRMAN: You are taking it from the person who buys the lot, and one of the reasons for the high cost of permanent upkeep in some of the cemeteries, is because you are taxing the person who buys the lot now for the upkeep of graves which were bought 100 years ago.

MR. SMITH: I do not suppose I am qualified to know which is the fair way.

THE CHAIRMAN: I only wanted to get your expression of opinion. Someone has said here that the Memorial Gardens have, as a selling point, the fact they charge less for Permanent Upkeep because they only keep up the graves which have been sold.

MR. SMITH: That is right. We attempt to keep up the old grounds as much as possible and keep them respectable.

THE CHAIRMAN: We admire you for that. Thank you very much, Mr. Smith. One other question, please. It is a question I would have asked Mr. Noble if I had remembered in time.

He made a recommendation so far as the cemetery board is concerned to be under the Department of Health. Do you think the Department of Planning





and Development in the Province of Ontario, should have a place in the operations of the cemeteries, in the establishment of any new cemeteries?

Do you think if there were a board, even the local municipalities Planning and Development Branch, should be represented on the board?

MR. NOBLE: We would have no objection of course to that. My Brief in recommending that is not trying to undermine any Department, but in the Spring of last year after 2 years' work, we developed a Memorial section and I sent the plans and the specifications and everything to the Department in charge of this, which we are compelled to do under the Act at the present time.

Up until the present time, I have not heard a thing, not even a letter of acknowledgment. Whether the Department is waiting for the outcome of these deliberations I do not know. When a person goes to the trouble of having plans drawn and regulations made, surely it should warrant a letter of receipt at least.

THE CHAIRMAN: You may get one now. You still have not answered my question.

MR. NOBLE: I said I had no objection.

THE CHAIRMAN: Do you think the local Planning Board should have something to do with the approval



of new cemeteries particularly, just as a sub-division now must obtain permission?

MR. NOBLE: Unless they are being charged too much for their services.

THE CHAIRMAN: Local Planning Boards do not even get paid, do they?

MR. NOBLE: I quite agree, anybody on the local Planning Board, who is conversant with cemetery planning, would be welcome to sit on our board.

THE CHAIRMAN: I am not thinking of the cemeteries already established, but I am thinking of a new cemetery in an area where they are proposing establishment, should they have the approval of the Local and Provincial Planning Boards.

MR. NOBLE: Definitely so.

THE CHAIRMAN: What do you think, Mr. Smith?

MR. SMITH: I think they should work with the Planning Board.

THE CHAIRMAN: Thank you very much.

We will adjourn now until 2:00 p.m. this afternoon.

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---- Whereupon the further proceedings of this Committee adjourned until 2:00 o'clock p.m.

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A F T E R N O O N S E S S I O N

London, Ontario,  
Tuesday, September 22nd, 1953,  
2:00 o'clock, p.m.

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The further proceedings of this Committee  
reconvened pursuant to adjournment.

All parties present.

Same appearances as heretofore noted.

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THE CHAIRMAN: We will now hear from Mrs.  
Edith Spooner.

MRS. EDITH SPOONER (St. Thomas Cemetery  
Company): We are sorry our speaker did not get here  
today. I have no brief, but I have written out a  
few things which I would like to bring before you.

Our Cemetery was begun in 1850 under a  
Trustee Board, and then under a Charter of 1865, so  
we are a very old cemetery.

It is a non-profit organization controlled  
by the lot-holders who are the shareholders, and they  
operate under a board of directors who are unpaid.

I thought this might be interesting to you,  
to know I have a copy of the first financial report





dated April 15th, 1850, to February 6th, 1867. We sold lots then at \$14.00 for a sixteen by sixteen lot, so it did not leave any money for perpetual upkeep.

In the first sixteen years, the Cemetery took in over \$1,000.00 and they had a balance in the treasury at that time of over \$400. because the gravedigger got paid and you mowed your own grave.

Such conditions existed in cemeteries in those days.

We have a very nice cemetery nearly thirty acres in size. I disagree with someone who preceded me this morning. We have monuments and use power mowers and electric trimmers for trimming around the monuments. We have been able to thus put the cemetery in better condition than it has been in the last forty years, so I do not think we are doing very badly.

We have a perpetual maintenance fund held by the Public Trustee of \$40,500., and about \$2,000. in the bank to be sent down there. I do not think that is too bad for an old cemetery.

We have found these old lots which were sold years ago were sold without perpetual maintenance, and some of the grandchildren and greatgrandchildren are fixing them up because they take great pride in them, and the more pride you take in your cemetery,



the more pride the grandchildren will take. We are getting perpetual maintenance in those old plots.

Within the last three years, we have taken in \$18,000. in perpetual maintenance. I thought that might be a hint for some of the older cemeteries to collect the money on perpetual maintenance fund.

We have also another cemetery which was purchased from the funds of our first cemetery, of about twenty-one acres. Some of it is developed, and most of it is not, but we are planning and working on developing it as quickly as we can get the funds to develop. It is a very nice acreage of splendid park ground, and we feel we are in good shape to go on financially for years to come.

We would like to recommend that 35% or 50% from the sale of lots be applied to perpetual maintenance.

You may wonder why we recommend that much. Even Memorial Gardens cemeteries' graves will sink the same as they do in other cemeteries and the more burials you have, the more it will cost to keep the cemetery up, because you must level your graves in order to run your large power mower over the grass.



During the years, no matter what cemetery it is, it will take more to keep up perpetual maintenance than it does at the present time. Those are our reasons for recommending 35% to 50% for perpetual maintenance.

We recommend a fund be set up to assist old cemeteries who are in the financial red, to get on a paying financial basis. These recommendations I have just written very hurriedly.

We would recommend old cemeteries who operate on a non-profit basis and have unencumbered acreage, be developed by granting a loan to assist in developing same, and the said loan be paid from sale of lots from the sections so developed.

We also have one other thing. We have a mausoleum which was built by the Canada Mausoleum Company, which we understand is defunct. They built one section which was well-built, and the second section was not well built, not the same marble, and having a defective roof. This roof will cost us about \$1,500. to repair and we wondered if the Ontario Cemeteries Act -- we did not feel like taking the lot holders money to fix up a mausoleum -- we have \$3,300. in the perpetual maintenance to try to get the fund to take care of the mausoleum, which



only pays for keeping up the bushes and looking after the plots. We would like to ask if there is some means whereby we could raise funds to take care of our mausoloum.

THE CHAIRMAN: Thank you very much. Do I understand the crypts are all sold?

MRS. SPOONER: As far as we are concerned, they are sold. There are different ones who have a number of crypts which they are re-selling.

THE CHAIRMAN: But you have no revenue from it whatever?

MRS. SPOONER: No, none whatever.

THE CHAIRMAN: It was a bad deal, was it not?

MRS. SPOONER: Yes, it was, through the lack of foresight on the part of the directors at the time. It would not have been so bad if the mausoloum had been built according to specifications. The roof was defective.

THE CHAIRMAN: There were just a couple of questions I would like to ask you. Did I understand you to say that you had collected \$8,000. from the land in the old section of the cemetery?

MRS. SPOONER: And all the lots we have sold.





THE CHAIRMAN: But mostly from the old section?

MRS. SPOONER: Mostly from the old section. We sold many of them before 1930, which were not sold with perpetual maintenance. We are collecting for cutting the grass on them.

THE CHAIRMAN: I think you should go about all the cemeteries of Ontario.

MRS. SPOONER: I think it is a vital thing to get people to do this, and I did the work which I thought was needed.

THE CHAIRMAN: I think you have shown how weak the men are.

MRS. SPOONER: We tried to do our best to put our cemetery on a paying basis. We have an idea which we recommend of paying through financial aid and then they will pay it back later. \$5,000. would put it in a beautiful condition.

THE CHAIRMAN: You borrowed the money?

MRS. SPOONER: No, it is all paid off.

THE CHAIRMAN: From where?

MRS. SPOONER: From the old cemetery.

THE CHAIRMAN: Not from the perpetual care fund?

MRS. SPOONER: No, definitely not.



THE CHAIRMAN: From the sale of lots?

MRS. SPOONER: Yes, from years ago. They saved the money up. We never went behind in running our cemetery. I noticed in the auditors' report going back, the first year we went behind was in 1946.

THE CHAIRMAN: What do you sell the lots for?

MRS. SPOONER: Our grave space is \$35.00 per grave space, and in choicer sections, \$40.00 with maintenance.

THE CHAIRMAN: What are you putting aside?

MRS. SPOONER: We were putting aside 50%, but in the last few years, we have put aside 25%. However, we do not feel we are putting enough aside for the upkeep of the lots in years to come.

MR. THOMAS (Ontario): I think she is doing a splendid job.

MR. ROOT: She has done a real job there, and I would like to ask her would it help the cemetery if some of the charge of the cost of the monuments were put into a perpetual care fund?

MRS. SPOONER: Of course, all our lots have monuments, because it is a monument cemetery. However, we have been debating the question in our



new cemetery, whether to have part of it with memorial plaques and the rest with monuments, because we do find there are people who do want monuments in a cemetery.

MR. ROOT: I think you have all your information at your fingertips. How much do you charge for the foundation?

MRS. SPOONER: \$1.00 per cubic foot, to a six-foot depth.

MR. ROOT: It would depend upon the size?

MRS. SPOONER: Yes.

MR. ROOT: Roughly, how many cubic feet are there in a foundation?

MRS. SPOONER: We get as high as \$24.00 and \$25.00 for a foundation for the larger monuments.

MR. ROOT: I am sure the monument men could not complain about that.

MRS. SPOONER: That is all we charge. Our superintendent does it and does a wonderful job. I would like to say this on behalf of the monument men: we have very little trouble with the monuments falling down unless they have been up for years and years. Just come and take a look at our cemetery.

THE CHAIRMAN: I might say I want to express the thanks of the Committee for your coming here today.





You feel the questions I was asking you with the thought of collecting permanent upkeep from the old lots where you endeavour to do it before a burial, that you do not need to do that. All you need is a good saleslady.

MRS. SPOONER: I do not think that would be wise at the time of burial. We do collect where there are back charges at the time of burial for cutting the grass, if possible.

THE CHAIRMAN: Do you feel you could sell perpetual upkeep on a great many of these old lots?

MRS. SPOONER: You can, if you try.

THE CHAIRMAN: Have you gone about repossessing any of them?

MRS. SPOONER: They did in 1941 and 1953, but without success. Even this last week, people have been buying them back again. We have not re-sold many of them and people are paying perpetual care for them.

THE CHAIRMAN: Thank you very much.

Mr. Kernahan, please.

MR. R. KERNAHAN (Representing Grove Cemetery): Our cemetery is on the outskirts of the city, sir. I represent a small cemetery which was started in about 1800, because the first grave in there is dated 1823. It was started by both my grandfathers,



and some others in the community. They started a church and the cemetery was there, and they decided to build a new church and they took that for the graveyard, and enlarged it, and it has been going on ever since, and we have had plenty of trouble.

I have ten points I would like to bring before you.

One, I think you should have a standard receipt. Of course, when they come to us like they are doing now, they are alright, but I have come across some funny ones. They should have on the receipt from whom you got the money, and for what and where the lot is in the cemetery. It might have been a monument or a burial, etc.

I have some receipts from away back in 1909, one came in the other day. I won't give the name, it is Mr. R-----. He came in and said he bought a lot in the cemetery. I asked the three trustees to come. We went around and there was absolutely no record of it whatsoever.

Of course, in that cemetery, up until 1923 and 1926, it was not run in a business like way, but it is doing alright since then. I did not take it over until 1927 or 1928.

This receipt was made out to Mr. R----- for



\$15.00, half a lot, signed "W.E.". That is one of our old trustees. There was no date, no plot, no number of the lot. Our cemetery is divided into two sections, the old and the new section. I called the trustees together and the gentleman himself did not know where it was. This man bought it back in 1900 or around that time, and has come back since. . . We fixed him up in a place, but I am advocating a proper receipt. I am too practical, because there have been so many things which I have come up against in this business that are bad.

If a monument is bought, the receipt should show where it should be put. It should be put in line with all the other monuments. We have a few of them we are trying to put in shape, so that when we go into the cemetery with a power mower, we can cut it. They all say it is too hard to trim around the cemetery stones. We always go around the first of the year and trim off three inches around the stone, and we never have any trouble.

Two, peculiar situations. For instance, we are coming to the point now where the cemetery is almost filled and we only have 30 lots out of 300 graves yet to fill. It is over two acres and we cannot seem to buy any more land either. I have the suggestion that you could arrange so we could



expropriate or get a piece of land enough for our immediate use around the cemetery, on the side or at the back, at the assessed value of the land there, not at the exorbitant prices they are asking for it.

There is one place, but we cannot take it and make anything out of it. I was speaking to the gentleman on the sixth floor of the Parliament Buildings to see what I could do about it, and he suggested rather than cause a lot of trouble, there is a clause in the book that says when you have it too full and cannot do any more, you take the book to the county council and shove it onto them. I do not know. I have too much backbone for that, and I would like to be able to look after it. There is a way of looking after it, and we ought to get together and find the way. That is just a suggestion I would like to make.

Three, is the endowments. We did not have anything in 1923 and in 1926, we collected \$4,000. We put that away, and I cannot find anywhere it says that was to be left for interest, but I understand that was put down for interest to run the cemetery.

In my estimation, it will take at least \$10,000. to run the cemetery. I have invested at 5%, which gives us \$350. a year. Of course, I have a





few donations and some of us put some money in. We are \$225. in the hole now.

Regarding the investment, we would like to be able to get our hands on that. For instance, we had to buy a new mower and there was only \$70.00 in the bank. The mower had to be bought because we hold the last Sunday in August as decoration day, and before that time, our mower played out. We got a mower alright, but we have a lot of old trustees on the board, and they absolutely would not let us take anything out of that fund to buy the mower.

That is just a little thing. Can you take it out to keep the cemetery up, or what is the fund for? This was before my time, and I just don't know. Nobody else seems to know and they would not use it for that purpose. When you get in the hole, if you have not someone to fall back on, I wondered whether you could take it out of that, and put it back again when you received it.

I think the cemeteries should sell their plots by the grave and the graves should be sold by the cemetery. I mean the cemetery could sell them, but they should be sold by the cemetery, and I think there should be closer co-operation there.

The reason I say "by graves" is because



my grandfather Webster had two or three plots and had one of his own which is sixteen by sixteen with eight graves.

My grandfather and grandmother are in those graves, buried about the first of the century, and there has been nobody in there, and nobody will be in there. There are six graves left.

I thought I would ask you if there is a possibility of releasing them again? The board will not let me do it. They say that plot has to stay there and stay empty, and I think that is the wrong attitude as far as looking after it is concerned. It made my blood boil when they said this morning they won't look after the old cemetery, but just let it go. I think the old cemeteries should be looked after whether they are old or new.

,We are doing it. Even the first plot from 1823 contains only one grave in a sixteen by sixteen space, and it has been looked after. It is looked after just as good as the others. There was a sinkage in it, and every three years I have six or seven loads of dirt put on it. It gets as good care as the rest of them. The grave is one of the old founders of the cemetery and he should be looked after. That is all.



There is a very important point regarding charges of a cemetery. I do not know what to do except they should form districts and the majority of them get together and have an agreement on what they should charge. At one time, I was away down, but we are now in line with all the rest of the people. I had several of them call me up because they said I was too cheap, but I did not want to "soak" anybody.

I think we ought to get the right price. Now it is dearer than it used to be in 1933 and you ought to get more for your plots. I suggest if we get together and decide to hold a meeting, you gentlemen here who are head of the cemetery board should send a representative down to keep us in line, to get a standard line of charges. Some cemeteries should charge more than others because ours is only a small cemetery but it is looked after as good as the rest of them.

I was laughing this morning when they said the fellows who looked after the cemetery put the monuments in. Two or three of them slipped past me, and put the monuments in and I dug down and they were two and a half and three feet down in the ground. I can show you where they are.

I put mine down five foot, four inches. How





deep should they go down? That is another question. I do not know, and everybody has asked me what the cemetery board says. "How deep are you putting that down?" I say, "Five feet, four inches;" "Five feet, six inches, they think I should put them down. I put the grave down five feet, four inches, and I put them down five feet, four inches.

They might want to pile one on top of the other. They suggested, because I am going ahead with my story, grandfather bought this lot and used it, and now the boys are using it and there is only room for one. They said I have to find room for all of them, and I do not know what to do in that case. I thought I would find out how deep you are supposed to go when you bury, two, one on top of the other; about seven feet?

THE CHAIRMAN: Yes, seven feet.

MR. KERNAHAN: The next subject is "Trustees".

In your book, you say there should be three or seven trustees. We have thirteen. It is a cumbersome board and you cannot do anything with them. It is hard to run

I would like to see you put something in the book regarding the number of trustees on a board at a time, and the service for each one. I started



something and now they have to be elected every three years. Two of them won't even go and they are getting old. It is too hard to get them out, and if they do not come for two years, I would like a ruling they automatically should resign.

We have many lots where they have bought years ago and have not paid up. You go after them for money and they will not pay anything. I have a statement now and I do not think I can work it, where I am charging \$1.00 per plot per year for looking after it for them. Some of them go thirty-five years back and I do not see how you can collect the money on that.

I am suggesting you could charge \$1.00 per plot, but how are you going to collect it, when they have not paid for 35 years. Of course, all they paid then was \$5.00.

A woman bought a lot in 1909, half a plot for \$5.00, and she was never buried in it. I just discovered last year she had it. I thought it was empty and I said, "Will you sell it back to me?" She said, "Yes." I said, "What do you want?", and she said, "\$50.00".

I think there should be a small payment. I foolishly offered her \$20.00, and she said, "No, I want \$50.00". I am charging her \$1.00 a year



since 1909 and there is the receipt.

These things may sound funny, but there are very many perplexing things which enter into this business. It is perplexing because these things happened years ago.

As far as paying taxes, we never could pay any taxes on it. We would just hand it over because we have not got any extra money.

Another thing: I have never run up against one of these dis-interments. It tells about what we have to do but it does not say who is supposed to look after the digging. I presume I am. It does not say who supervises and I suppose it would be me. I never saw one before and I think you should have someone do that who understands it, who would know how far to go and what to get. You could not find what you were after.

Who is supposed to look after dis-interments? It does not say in the book anything about it. I got the authority from the County Clerk or Sheriff to dig the remains up.

THE CHAIRMAN: Your medical Officer of Health is your authority.

MR. KERNAHAN: Would he be on the job at the time?



THE CHAIRMAN: He is the man you would contact and who would specify the requirements.

MR. KERNAHAN: I would like to put insurance on the cemetery due to two or three instances I have seen lately.

There were several times where ladies' clothes blow around and one lady tore her skirt on a rough monument. I would like insurance to take care of that.

It may sound foolish but is there something in the rules where you could relieve the cemeteries of all liabilities for accidents in a cemetery? I would like to see what you could do on it.

I have insurance on it myself now for our own protection. Regarding unpaid burials, unpaid fences, grass cutting and other repairs on the lots -- I have charged that as arrears on lots, and when they bury next time, they will have to pay that. Is that proper?

THE CHAIRMAN: I think that is alright.

MR. KERNAHAN: Another question I have concerns a burial permit I have which has no undertaker. I would make the suggestion to put an undertaker on it. This is an old certificate and I had to drive miles to find out who the undertaker was.





It would be better to put the undertaker on that.

One place in Toronto has a grave three feet by nine and the next three feet three by ten. I have the suggestion to make it standard everywhere. Could we?

THE CHAIRMAN: We hope to.

MR. KERNAHAN: The ordinary one is seven feet long and thirty and one-half inches wide and twenty-one inches high. They are making them thin now. They used to be thick.

It may sound funny, but it is not funny to me. I have done my best for you, as good as I can, and if there is anything I have not made clear, I would like to give it to you. It costs us \$1.20 per cubic foot for putting our monuments in. That is what I charge.

THE CHAIRMAN: I want to thank you, Mr. Kernahan, for appearing before the Committee. It has been a disappointment to the Committee we have not had many representatives from smaller cemeteries, so we appreciate your appearing here. You have some problems, but you live in a very fine community and as I look at Mr. Noble back there, I think you should get acquainted with him.

MR. KERNAHAN: I know him.



THE CHAIRMAN: H. is the man who will answer your problems. He would be a great help to you. I think you are doing a fine job and performing a splendid service for your community.

MR. KERNAHAN: I take the bull by the horns and do the best I can.

THE CHAIRMAN: I think if you discussed that with Mr. Noble, he might tell you how to re-possess some of those old lots which would overcome some of your crowding.

MR. KERNAHAN: I know if I ever get a body to be disinterred, I would "hot-foot" down there to somebody. Thank you.

THE CHAIRMAN: We will hear from Mr. Mills of the Primrose Memorial Cemetery at Saratoga.

MR. DOUGLAS (Elgin Cemetery Co.): I think I should speak before Mr. Mills. We did operate the Elgin Cemetery Company for twenty years and we never paid a dividend. We have recently turned over the control to Mr. Mills.

and  
We charged/as our expenses went up, so did our prices. We maintained a beautiful place, which cost us, we will say, \$70,000.

THE CHAIRMAN: To buy and develop?

MR. DOUGLAS: Yes. We are turning over to



Mr. Mills, an advantage so far as the condition is concerned. We have been there and our feeling is that had the original group felt they could live on it, we would have kept it. I am not suggesting to you gentlemen knowing who the people were who controlled it.

We have turned over to Mr. Mills, the property, and we think if he lives long enough, he might make \$1.00 a share on it.

The cemetery in St. Thomas has been perfectly maintained during the twenty years we have been handling it, and I think Mr. Mills will agree with me it is very well maintained, and one of the oldest and best in the area. It is thoroughly an industrial cemetery and built on a business basis, with the object of making a profit for us who own the land and we do not see a thing wrong in that proposition.

We think that is the way to produce a good burial ground and we should be paid for it.

The people, as has been indicated to you, Mr. Chairman, have not earned over three or four percent. on their money during the last twenty years.

MR. MILLS: That is quite true, and I can substantiate what Mr. Douglas said with regard to the cemetery. It is a garden-type without tombstones





and with the memorial or individual marker flush with the ground. However, I think we can possibly come back to that later.

I have two specific recommendations I would like to make to this Committee, based on my findings as Manager of the properties, and I would like to make them. If there are any questions concerning these individual properties, we can come to that later. First, is with regard to the creation of perpetual care funds. I think it is most unrealistic the way these cemeteries are founded today -- and we criticise what has been done -- what is done, is done. But you people are concerned with seeing there will not be a re-occurrence in the future.

"1. THE CREATION OF PERPETUAL CARE FUNDS:

It is felt that the perpetual care funds for a cemetery should be computed basically on the number of grave spaces in a cemetery rather than on a percentage basis of monies received. The most important factors necessary for computing the perpetual care funds needed to yield interest and dividends sufficient to provide the eventual perpetual care are as follows:-

(a) The total population of the area in which the cemetery is situated, or is to be situated, with



reference to religion and permanency of residence indicates to some extent just how large the cemetery should be.

(b) The local mortality rate based on the above figures would indicate how many burial spaces would be required over any period of time. If the local mortality rate were, for example, 100 persons per year of the faith likely to use the cemetery, the area would theoretically use up a cemetery consisting of 3,000 grave spaces over a period of 30 years. The cemetery company, realizing that it must derive sufficient perpetual care funds from these 3,000 interments can then make a realistic assessment of so much per grave space with due consideration of local costs of cemetery operation. Salaries included in maintenance costs would obviously be less in, say, Parkhill, Ontario, than in a large city like Toronto where industrial wages are high.

(c) The fallacy of computing perpetual care funds on a percentage of money received from lot sales can be easily illustrated. For example, it can readily be appreciated that the costs of the care and maintenance of a tombstone cemetery are much greater than costs involved in a park lawn or garden type cemetery. A park lawn cemetery of even fifty acres



could cut all its beautiful lawns in one day. No tombstone cemetery employing the same number of men could possibly cut all the grass in a similar size tombstone cemetery in less than five days. Any assessment for perpetual care should be made with these relative expenses clearly in mind. Therefore, any assessment for perpetual care on a percentage of sales basis would be most unrealistic and it is our contention that the only solution is an assessment on a basis of the number of grave spaces, and the type of cemetery to be cared for.

(d) The cemetery company familiar with local conditions which have existed in the past and are likely to exist in the future, can now arrive at a principal sum to be set aside for perpetual care. It is then a simple matter to assess each grave space its proper share of the total amount needed for perpetual care."

As Mr. Sheck said this morning, when you base it on a percentage, it is 15% of what or 10% of what, or 30% or 50 %? It does not mean anything unless it solves the problem. It must solve the answer to what we want. In other words, what is going to be required in the principal amount is the first question, to afford dividends and interest



sufficient to maintain a certain portion of cemetery property. That is the way we can do it.

As we say, we are a commercial cemetery, and we have found before we can do anything, first of all we must know what it is going to cost.

Our method is this: you will notice in our garden cemeteries, we develop our cemeteries in units or gardens in multiples of four acres. Four acres in a cemetery will afford approximately 3,000 burial spaces. 3,000 burial spaces are opened and we must decide how much time it would take to fill that. From your point of view, the logical question is, how much of an assessment per grave space peculiar to that community should be set aside in order to arrive at a proper amount. The answer is "not so much", just 15% or 20%, but it should be done on a realistic basis.

The next thing is, how long would it take to fill 3,000 spaces? The cemetery opening 50 acres is unrealistic because of the maintenance charges. Do you not think there is benefit in our opening it by sections which has happened, I suppose, in some cases, but in many cases it has not. It should be opened in multiples of four acres and then as conditions dictate, you open another four acres, and so on. That is the most realistic way of doing it





insofar as care and maintenance is concerned.

You must gear the opening of more space to the mortality rate. People must die and they must have an endowment of some sort in keeping with our human dignity.

There is no reason to think that shall not prevail in the future.

Coming back to that, if we must have a cemetery, supposing the local mortality rate was 100 a year, we can say this cemetery, hypothetically speaking, would take 30 years to be filled if there were 3,000 grave spaces. We are in the cemetery business, and we realize we must maintain that cemetery for 30 years and it costs money.

Therefore, computing costs per grave space, we must consider the care and maintenance which will go on for a minimum of 30 years. I know it has been said to the effect we have huge profits in the cemetery business, but when you analyze it in some commercial cemeteries on the pre-need selling campaign, there must be some reason why they have caught on. There must be public appeal and someone will not pay \$100. for something if he can get something just as good for \$20. There must be some reason for it. The general public do not want a recurrence of the old



problem, They want to buy a lot and be assured it will be looked after, and that is the end of it. They do not care if it is in a commercial cemetery or a church, but once they are done with it, that should be the end of it.

They are prepared to pay -- and I should think it is their right -- if they want to pay \$1,000. as a human being, providing there is no pressure or compulsion and they are not forced, should be allowed to do so.

I would like to ask this Committee if it is not better to go to someone, explain the facts to them with their minds clear and when they are not grief-stricken, lay the whole problem before them and they can turn it down and forget about it, or take it up. Do you think they should wait until the best salesman any cemetery can have who is called "death" knocks on their door, and they have to do it in a few hours, and at that time it has to be done usually in a local cemetery and according to whatever they want to charge.

If other cemeteries do not charge enough for care, it is their problem. I would say this with regard to perpetual care: I would strongly suggest, first of all, these questions should be answered.



I think this Commission which is proposed to be part of the Department should have someone compute on an actuarial basis, what the mortality rate in any area will be. First of all, the death rate and the potential with regard to permanency should be computed.

The cemetery, when it is dedicated, should have those figures, and they will be able to tell what it has been for 30 years in sections of multiples of four acres, 3,000 grave spaces. They should know what the care fund per grave space would be, differentiated between the different costs of a tombstone as compared to a garden-type cemetery.

When those things have been computed, the grave spaces on that particular unit would be assessed at the basic rate. If the cemetery wants to make any money out of it as a return on their real estate, that is their problem. Under our free enterprise system, I think that is the best way.

Assessing the grave spaces is a realistic way. When the 30 years are up, and another unit is opened, I think before the next unit is opened, if you wish, this Commission could again assess in a realistic way for the next 30 years, and so on into the future.





This idea of taking 50 acres of land and maintaining it for burial purposes is most unrealistic and I think it should be opened four acres at a time.

Why four acres, you may ask? Supposing we took a small community, if it could not support a cemetery realistically, if there were say 50 or 100 people, who might die in the next few years, the care fund on an assessment basis would be probably \$1,000. and it would be unrealistic to open up too large a piece of land at a time.

We have found<sup>from</sup> the evidence we have received in Ontario, that something should be done, . I think the realistic approach would be that we must first of all find the mortality rate and whether the small community had adequate and sufficient space to support a cemetery commercially or otherwise.

If anyone thinks it is easy to get a dedication for a cemetery today, they are wrong. Doctor Berry and Mr. Fellows, and everyone in his Department are most competent and certainly go into everything very carefully before making a dedication.

A cemetery is dedicated as the need arises. They are not opened like service stations on every corner, and we well know a great many considerations come into it.



I heard this morning about the local planning boards. The Primrose Memorial Cemetery in Sarnia has been opened recently and the Planning Board were most concerned about where it was to go, and if it would be an asset to the community in the future. They were fully agreed that the Cemetery will be a place of beauty and an asset to the community.

The Township Council ultimately have a responsibility under Section 38 of the Act, if a cemetery cannot be maintained. They are certainly most careful and give careful consideration before making their dedication and passing it.

As far as legislation is concerned, it is there today, but I think perhaps there should be some provision to tighten it up. If there had been some forethought given to these things and the cemeteries laid out realistically, with relation to population and such things, we would not have the problems we are confronted with today.

I do not see how it could be computed on a percentage basis realistically. It is not proper or feasible, because you must ask yourself, "15% of what?".

Anyone can charge what they like under a free enterprise system for what they feel they are getting for their money. It should be assessed on



the grave space to the community. In a small community in Ontario, it would not cost as much to maintain a cemetery in years to come, or at the present time, as it would in Toronto, where you have to compete with industrial labour and such.

"2. METHODS OF SELLING CEMETERY LOTS, ETC.

New approaches to old problems always meet a certain amount of resistance, especially if the new approach has an adverse effect on any group. Death is one visitor that all of us must anticipate -- some day, some place, some time, all of us will require the services of a cemetery company either for burial or cremation.

(a) When death visits our family we are compelled by law to see that a proper burial takes place and that the remains of the loved one are disposed of either by interment in a cemetery, cremation, entombment, etc.

(b) Any law that might be passed that would in any manner prevent or discourage people from hearing and understanding the facts pertaining to modern cemetery operation, would be a law not passed for the protection of the general public, but one by which those cemetery companies would have not the means to compete fairly under a system of free enter-



prise could impose their restricted facilities on a public forced by burial requirements to come to them when death strikes.

(c) We would like to point out that all the methods used by the modern cemetery companies to sell a portion of their property on a before-need basis are available to any cemetery company not afraid to reveal the true facts to the general public, and to do so at a time when a sound business decision can be made, rather than doing business with grief-stricken relatives within days of the passing of a loved one.

(d) Most modern cemetery companies make only one call on a family. Obviously good taste in handling anything as sacred as cemetery property demands that these interviews be conducted in such a manner that they could not be classed with peddling and hawking of merchandise. There is, however, nothing to compel people to purchase property from any modern cemetery's representative. After all, the family has had no bereavement -- they can wait until later to purchase if they so desire. The modern cemetery company needs no high pressure methods to sell their property -- time alone will take care of that for all of us. The company is, however, interested in





gaining enlightened friends by laying the facts before the public so that they can judge for themselves where the racket is, if there is one, in the cemetery business.

Therefore, it can be seen that there are several reasons why modern cemetery companies only make one call on a family. When a friendly representative calls at a family's door, the family is completely free to choose. They do not have to talk with him, and there most certainly is no law compelling them to do business with him. However, when the older cemetery's personal representative, death, calls, the family must do business now because there is a law compelling it.

We only ask that you of this Committee and the general public judge for yourself where the pressure selling is in the cemetery business, considering that both the following sales representatives make only one call:

- (a) The friendly representative of the modern cemetery company, when you don't need his services

or

- (b) Death, the cemetery representative who says 'you buy - now!'



Now actually this method of selling cemetery lots on a pre-need basis must be done with several things in mind.

It is a very dignified business and we realize it must be maintained that way, and we try to maintain it that way. There are fringe operators who do use pressure methods, but I do not think they would be advised to. People would not stand for it. We have Better Business Bureaus and Chambers of Commerce, and do you think they will stand for that kind of thing going on in their communities, if it were possible?

There is always a salesman who gets over-enthused and misrepresents things. If he does that, he is brought into line or discharged from the company, and that is being done in any business, whether insurance or whatever it is.

I do think -- and a lot of "hullabaloo" has been made about this, but it is a fact about the pre-need selling campaign which is nothing more than this; if any cemetery cannot compete, they have the right, the same as we do, to go into a home and explain to a family and discuss these things on a pre-need basis with them. Is it perhaps they do not have anything to offer in a competitive way? Maybe



they have, I do not know. This is just a question, but maybe they have to wait until death, the only salesman all of us can rely on comes along.

Then it does not matter what their merchandise is, they can inflict it upon the public. I think the public of Ontario ought to have the right to judge for themselves, on a pre-need basis, if it can be done that way, about their future resting place. It seems to have a certain amount of public appeal and I say let them judge what they want. That part of it should be left to the general public, and not legislation passed to curtail that. Such legislation would be a discrimination and a limitation of our own basic rights.

That is about all I have to say, gentlemen, I can elaborate on this, but I have a brief which you can examine.

THE CHAIRMAN: Would you leave the brief with us?

MR. MILLS: Yes, it deals with the method of selling cemetery lots, etc., on a pre-need basis.

THE CHAIRMAN: Mr. Mills, there are a couple of questions. Do you have any specific instructions? First of all, your Company is two individual companies?

MR. MILLS: Correct.





THE CHAIRMAN: You employ your own salesmen?

MR. MILLS: We prefer to call them  
"representatives" or "salesmen" as you wish.

THE CHAIRMAN: Do you, in your operations, have any restrictions in briefing your salesmen who go out to sell? Do you have a standard of etiquette or something which you try to follow?

MR. MILLS: We have a code of ethics, as it were, and each salesman, before he is permitted to go to any home, goes through at least a week's training.

Sales training we find is detrimental for us, if a man has had sales experience and goes out on this type of work. But we are interested in men who are sincere and have a vocabulary, and appearance, to fill a job in a dignified way.

We are concerned to explain to the family, giving them the advantages which we feel we have over what has been offered in the past cemetery provision. We do not have to pressure a family because time alone will take care of that for all of us. However, we do have a definite code of ethics.

THE CHAIRMAN: Do you endeavour to keep your salesmen away from people who are sick?



MR. MILLS: Yes.

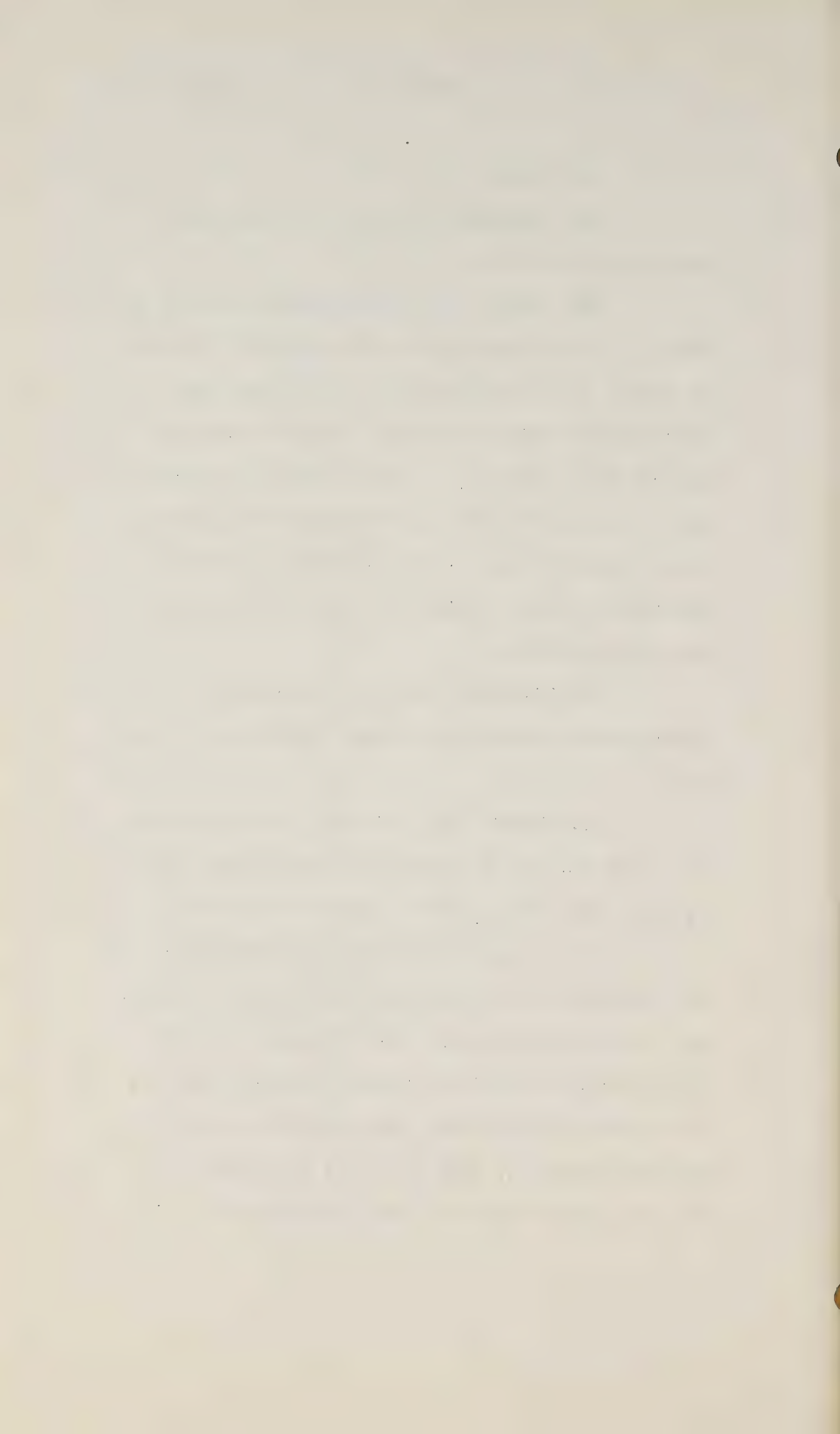
THE CHAIRMAN: We have been told some of you men do not do that.

MR. MILLS: We are more concerned with the family. We want them to live for awhile. It does not matter to us when they use the lot, and what we are concerned with is selling a certain amount of property in a cemetery. It does not matter when it will be used, so it does not matter when the person buys it if he is well or not, so there would be no advantage to us in sitting at their bedside to sell them cemetery plots.

THE CHAIRMAN: You said you did not use high-pressure because you did not think it was a good idea.

MR. MILLS: Yes. Time is pressure enough for all of us. We do not need to use pressure and a person does not have to do business that way.

I have heard about "one call business" and cemeteries advocating just one call to a family. That is very reasonable. If we called back and called back, we would have people tell us about it, and we feel if we go once, and they wish to do something about it, they will. If they wait, we take the chance they will come to us some day.



THE CHAIRMAN: If you sell a cemetery lot to a young couple in this community now, and they move a distance from this community, what arrangement do you have for looking after the re-sale of those lots? Would that couple have to sell their own lot to someone else, or do they sell it to you?

MR. MILLS: We do not speculate in cemetery property.

THE CHAIRMAN: That would not be speculation.

MR. MILLS: If it increased in value in the years and we bought it back, it could be considered a speculation.

Supposing a young couple bought a lot and they moved away, if someone came in and said, "I would like to have a lot in that particular corner, or unit", I could say, "I know of Mr. or Mrs. Jones who have a lot" and we could assist them. However, we do not advocate buying back because as you can see our beautiful gardens become more beautiful with nature and they would go up in value, and it would invite speculation if that were permitted. We attempt to discourage that in the beginning and that is one of the reasons why we will not deal in buying and selling it over and over again.

THE CHAIRMAN: I was interested in what



you said about perpetual care. What is your plan?

MR. MILLS: I would say it has been proven in our own case that 15% has provided sufficient. This percentage works out to about \$10.00 per grave space -- it is about \$10.35 at the present time -- so that is more than adequate than is required by law. We say the assessment would be \$10.00 or \$11.00 per space, which seems to be adequate, if not a tombstone cemetery, from our experience. We find it runs approximately three times as much to run tombstone cemeteries from information which has been given to me by men who have operated them.

It must be apparent to you here today, starting into a new venture, if a tombstone cemetery type would have been the most practical to maintain and the most economical, it would certainly be the cemetery we would have opened up, but we opened the type which was the most practical and economical to maintain and it has been shown that the cost is

in some cases, approximately three times as much to maintain.

I do not care if you take it on a care-per-grave space as in the Park Lawn Cemetery. An example I can think of in London is a cemetery of 50 acres. The grass can be cut on a most economical basis in one day, and the same size cemetery of tombstone type





would take the same number of men approximately five times as long to cut the grass on a comparative basis, but I will say three times because I base that on my experience in Dorchester, and other places, where we made it our business to find out the facts.

THE CHAIRMAN:  
There seems to be a great difficulty as to the apparent cost of upkeep for these properties, the amount of money which is going to be required to keep it up.

We had one this morning who suggested half that amount would keep up the same type of cemetery. We had the same type of cemeteries' representatives appear before us in Toronto and in addition to that, amount you are putting aside, they put aside 10% of sales of plaques to build their fund, to make sure they will have sufficient money. That is exactly the same kind of cemetery as yours, so it seems one of the things which we must find out -- and I am convinced of this now -- there is a great deal more to the upkeep of cemeteries than going around cutting grass. There are roadways and fences and of course, other things, and one of the things which we must determine is the amount of money which is needed per acre to keep up the cemeteries.

If I were going to decide that, I naturally



do not know what the Committee are going to say, but I suspect one of the things they will endeavour to do is to be sure there is going to be enough money in the perpetual upkeep fund to keep these cemeteries in proper condition.

MR. MILLS: That is right.

THE CHAIRMAN: There is another question of municipal taxes. Especially in the opening of new cemeteries, this question becomes important for this reason: take for instance the city of Toronto, and the same may be true of London, we were told by representatives of the city of Toronto they did not expect to ever open another cemetery within the city of Toronto. There was already a cemetery which had been opened outside in one of the townships, either 125 acres or 150 acres, which was largely for the use of persons in another municipality. If that becomes a burden upon the municipality in which it is placed, what would happen? If it should happen, one particular township which had soil which was very suitable for cemeteries, might be loaded with cemeteries, if the township council were not strong in refusing permits.

It may be possible this Committee will consider whether or not in the opening of a new cemetery,



there must be a fund established, the interest of which would pay taxes. It is our thought now the only way to have that fund is to establish it in the selling of the lots.

MR. MILLS: That is true, Mr. Chairman, and I think you will appreciate a cemetery must be looked at from a tax point of view more or less as a wasting asset. Once the place has been completely sold out and the interments have been made, that is the end of it. Therefore, if any taxation is going to be done, I think it should be done this way; if the cemetery is to be opened in four-acre units at a time, the remaining property which is not currently being used and will not be for a little while, in the interim there is no reason why that should not be taxed as conventional real estate in the area.

There would be no objection to that. However, we must anticipate what is going to happen when that is sold out and the adjustment must be made in the original perpetual care adjustment, whichever is arrived at. That must be adjusted in the beginning, not after it is completed.

THE CHAIRMAN: It looks to us that when you have finished the cemetery, you have arranged it so there is no money to pay taxes, and where would you get the money?





MR. MILLS: The money from the tax levy would have to come from the perpetual care fund.

You mentioned about the markers. We do put 10% of the sale price of the markers into the care fund, but it would have to come from the perpetual care fund. If there is going to be a necessity for taxes, that is where it will come from in the years when a cemetery is filled. When we get out of inventory and we do not replenish it, there is no business.

THE CHAIRMAN: If the municipality could tax you sufficiently, they could possess the cemetery and that is the very thing they do not want to do.

MR. MILLS: Very true, and it is something which has been wished on them or thrown on them under the Act.

THE CHAIRMAN: You can see where municipal taxes are a problem.

MR. MILLS: The mechanics of the thing are simply this at the present time; we should pay taxes on that portion of the cemetery which is not currently being used for interment purposes.

However, once the cemetery is filled -- and I am speaking of new cemeteries -- then it must come out of the care fund, and that is the only place



it can come from, from the returns from investments. That is the only realistic approach to it.

THE CHAIRMAN: If it was the general practice throughout the provinces that now cemeteries must pay taxes as well as the perpetual care fund, every cemetery would have an equal chance.

MR. MILLS: I think the tax problem will present political complications, too, because after all, why should a Catholic family or a Jewish family pay taxes on something they would never use?

THE CHAIRMAN: They would not be.

MR. MILLS: It must be geared to the sale of the lot.

THE CHAIRMAN: At the present time, what you say is what is happening. The population of the township must carry that cemetery which is a public utility for some other municipality.

MR. MILLS: That happens very often. I know there have been no taxes in the past, although we do pay road improvement taxes in Elmdale and St. Thomas.

However, in this eventual day, when there is no revenue, it must come from the perpetual care fund.

THE CHAIRMAN: Under the present set-up, yes.



MR. THOMAS (Ontario): Mr. Mills said 10% of the cost of the marker was the proportion set aside?

MR. MILLS: Yes.

MR. THOMAS (Ontario): That is the bronze marker?

MR. MILLS: Yes.

MR. THOMAS (Ontario): You do not sell those, do you?

MR. MILLS: Actually, we use bronze, and I will justify our reasons why.

In Canada, we have certain extremes of temperature, warm summers and cold winters, and stone, granite, <sup>and</sup> marble are just the same as they have always been. We have seen in cemeteries where the bronze has cracked. There is no money in the cemetery funds to replace them.

Bronze is durable and that is why we use it. No one is compelled to buy a bronze memorial marker. We follow the same principle. I know Doctor Berry would not "go for that". He mentioned that himself. He said, "After all, you can sell your lots, but we are not going to let you hold the people up for a memorial." We have never entertained that thought.

We have never had anything in our by-laws



in our cemetery about that. Anyone can purchase a memorial wherever they wish, but it must comply with our specifications, because if we are going to provide for the care and maintenance of it, we must have some say in the type of marker. We do say if they do buy it from us, we will guarantee the care and maintenance of it, and stand by it. Naturally, we must care for any other marker which goes in there too.

MR.THOMAS (Ontario): Do you install the foundation?

MR. MILLS: Yes.

MR. THOMAS (Ontario): What sort?

MR. MILLS: It is reinforced with wire to make it tough.

MR. THOMAS (Ontario): How deep?

MR. MILLS: Anywhere from two feet to two and a half feet, depending upon where they are going.

I do not care what anybody says, there is not an absolutely dry cemetery. We have wet seasons. The depth is anywhere from two to three feet depending upon the size. We use a stone type of memorial in Elmdale which has been used in the past and in those grave spaces where a family have died and the mother and father are buried there, we must





allow them to put in another stone memorial, so it depends upon the size. Two to three feet is adequate.

If we face this realistically, we never entertain the thought that concrete will stay there forever. We figure in about fifty years, it will have to be replaced because of the extremes of temperature, so that has been provided for in our care fund and we have anticipated that.

We know those things must be looked after, and we have made a provision for them. Before the township council would ever consider a tomb in Sarnia, they said if anything happened, they were the owners so they had to be satisfied before they gave us the dedication.

They were satisfied and insofar as markers or anything of that sort are concerned, drains, etc., there are ten main points of care in a cemetery, roads, water system, drainage, they all have to be maintained year after year.

MR. WHITNEY: How much do the bronze markers cost?

MR. MILLS: A bronze memorial varies in price. We feel we can put in a bronze memorial for approximately \$75.00 to \$90.00. We are not making a great profit on that, but that is a suitable bronze



plaque with the family inscription on it in concrete.

MR. WHITNEY: Do you use the ones with  
vases?

MR. MILLS: Yes, that costs an extra \$1.00  
or \$2.00, but we do have them if the family so  
desires.

MR. GORDON: Are they made in Canada?

MR. MILLS: Made in Hamilton, Ontario, by  
the Tallman Bronze Company.

THE CHAIRMAN: We looked at one of those  
with the vases and it did not look like a permanent  
thing. It had hinges which someone could easily  
kick and destroy some day.

MR. MILLS: You mentioned a hinge. We do  
not use the type with hinges at all. There is a  
receptacle in the cement. The memorial is inverted  
when it is not in use, and when the family comes out  
to put flowers in it, they lift it out, and it is  
re-inverted after the flowers have wilted and it  
locks into position.

THE CHAIRMAN: The one we saw had just a  
hinge.

MR. MILLS: No, we would not use those for  
that reason which you have indicated.

MR. THOMAS (Ontario): When did you acquire



this property?

MR. MILLS: Just comparatively recently, in fact, negotiations went on for four or five months prior to that. In fact, it was mentioned last year but it was just completed two or three weeks ago.

MR. THOMAS (Ontario): Did you get the approval of the Department of Health in Toronto?

MR. MILLS: Yes, I had a special interview with Doctor Berry who discussed all the methods and what was going to happen in the future. Everything was ironed out with him personally.

MR. THOMAS (Ontario): Can you give us the date when you got the approval?

MR. DOUGLAS: We sold our stock, so that actually the Department had nothing to do with it. Our agreement was as of July 15th, and a new group of directors took over on the 8th of August.

MR. THOMAS (Ontario): But you did submit for approval from them?

MR. MILLS: It was not a case of a new company, it was just a new board.

MR. DOUGLAS: We merely sold our control; in fact, we did better than that. Mr. Mills has undertaken to buy all the shares and there are only about 26 shareholders in the company.





THE CHAIRMAN: We are very grateful to you for appearing this afternoon, and I am sure you have offered some suggestions which we will consider seriously.

MR. MILLS: Thank you for the opportunity.

MR. DOUGLAS: May I say something? It has been the practice of the Elgin Cemetery Company to control the manner of installation of the markers, and they can only be installed under our supervision.

A further thing which our twenty years' experience has shown us, 10% of our final cost is quite sufficient to maintain that cemetery forever. Mr. Mills bases his calculations in a different way than we did. We adjusted our prices to local conditions and if we carried out the scheme of sales for the next 25 years, 10% of our sales would be sufficient to maintain it forever. Our present fund is based on 15% of the sales price and if that is what the law requires, we will put it in, but we do not think it is necessary.

MR. THOMAS (Ontario): You do not think it should be that high?

MR. DOUGLAS: 10% is all that is required to run 20 acres. That is quite sufficient in St. Thomas. It will amount to a \$100,000. sinking fund

The first of these is the fact that the  
 system is not a simple one, and that it  
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when we are finished, and all we have to do is cut the grass. That provided for burials which paid their own way, the opening and closing of the graves and the marker, and we think \$3,000. or \$4,000. is sufficient each year to maintain 17 acres.

THE CHAIRMAN: I think you might meet someone who would give you an argument on that. You have never reached that saturation point.

MR. DOUGLAS: We know the cemetery business. We have been in it for 20 years.

THE CHAIRMAN: You only know one end of it. You have never run the other end of it.

(Page 653 follows)



MR. DOUGLAS: It may take them another 25 years to sell out that property and they will see every grave space is sold at the end of that time. That having been done, all they have to do is bury people, and they are charged for that.

THE CHAIRMAN: When you stop burying people, then what?

MR. DOUGLAS: Then we have to cut the grass and keep the Gardens in shape, and we know perfectly well from our costs that \$4,000. or \$5,000. a year will do that.

THE CHAIRMAN: Do you think you can keep up 21 acres in a Garden condition on \$4,000. a year?

MR. DOUGLAS: We have been doing it for years.

MR. ROOT: What about when your graves fall in and your fences fall down?

MR. DOUGLAS: We can do it.

MR. WHITNEY: Mr. Mills mentioned the concrete foundations might have to be replaced in five years or so.

MR. DOUGLAS: Not the way we do it. They will never have to replace a marker. What we have to do is after a marker is put in we allow the foundation to sink, and possibly within six months or a year, we have to go around and lift it and fill it in, which is



not an expensive job. All it costs is about a dollar or something.

MR. MILLS: Mr. Douglas computed on a 10% basis, but I know the cemetery operation down there and I can assure you that 15% plus 10% of the markers has been computed realistically. If you wish to go into it any further you can and we know that will be adequate to maintain that cemetery with the memorials of the type we have mentioned here, virtually as long as we have the economic system which we have at the present time.

Although, as Mr. Douglas said, 10% could possibly do it, we do feel that 15% plus 10% on the memorials is necessary and that is what we are putting away.

THE CHAIRMAN: Thank you very much.

MR. DOUGLAS: Suppose it cost \$30,000. or \$40,000. to landscape that place, that just grows in year after year and never has to be renewed.

THE CHAIRMAN: If I did not own a lot with a house on it and a few shrubs and some grass and gardens, you might convince me.

MR. DOUGLAS: We can show you figures.

THE CHAIRMAN: I am not convinced yet.

We will now hear Mr. Land from Puce Cemetery, Maidstone Township.





MR. LAND (Puce Cemetery, Maidstone Township):  
Mr. Chairman, Ladies and Gentlemen, it has been very interesting to hear the discussion, but our problem is entirely different.

We are situated in Maidstone Township on No. 2 Highway, 14 miles from Windsor. This cemetery goes back over 150 years. It was given to the coloured people for a public cemetery and there never was a deed given to it as the records show.

It was given to them and they just took it for granted. They did not fence it in and the encroaching farmer on the corner squeezed in a little more and a little more, until he had squeezed them out of an acre.

It has been voluntary because it is a public burying ground. In 1922, it was looked into by some of the older people. They had the title searched in Sandwich where the Registry Office is, and the owners and the lawyers could find only the following which as you will see, is very brief:

"February, 1922:

Sir, I have looked into the matter of the Cemetery Lot on Lot 7, East, Puce, Maidstone, and find that there was never a deed recorded with regard to this section of this Lot. All it says is on the Somerville farm there is a reservation of the Southwest half acre for a



Public Cemtery. The description is no more definite than that, and whatever the acreage enclosed by the cemetery fence, the church may safely consider theirs.

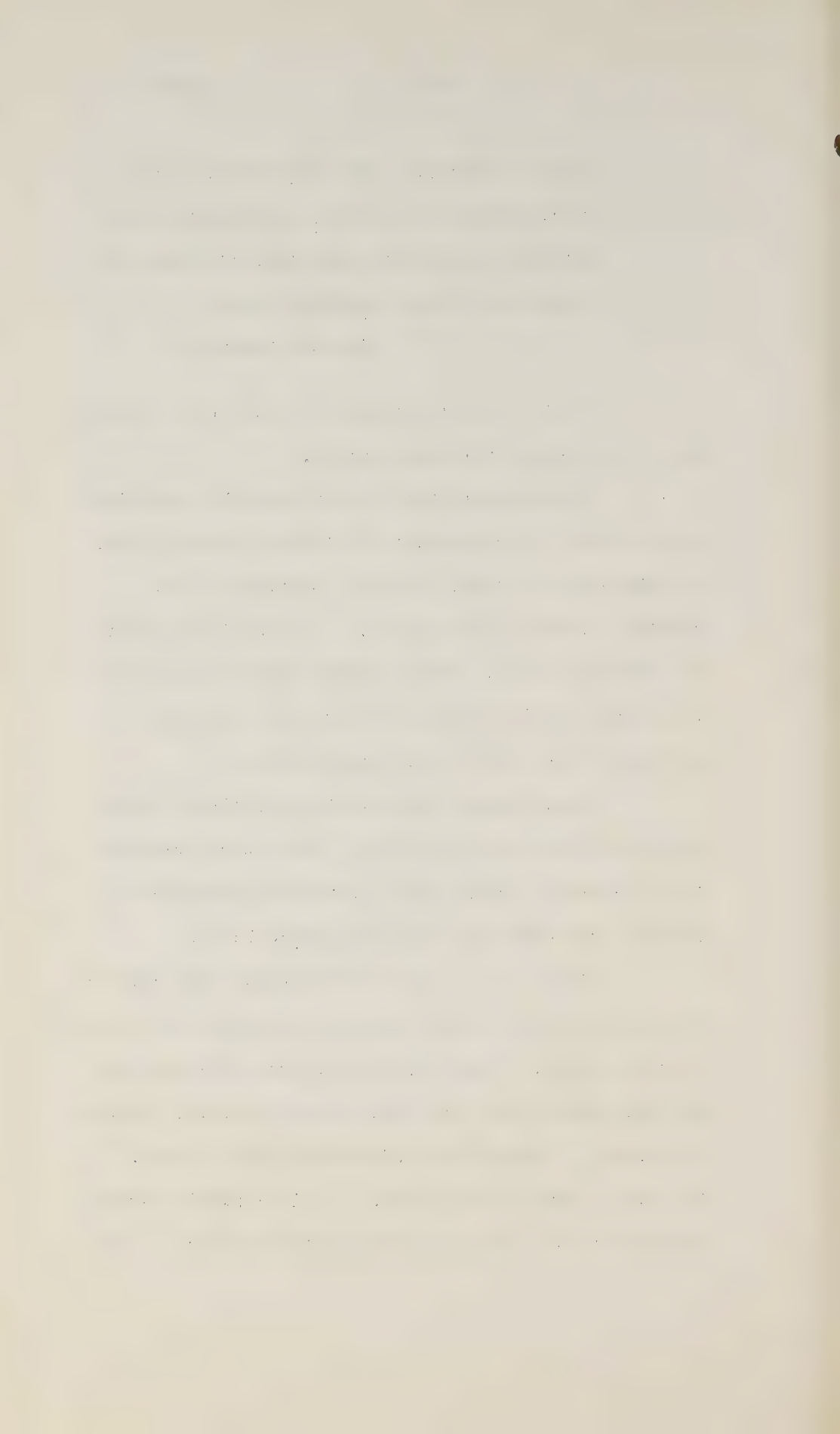
Windsor, Ontario."

That is all the record he could find of that and it has been a voluntary matter.

The Cemetery has been in terrible condition and in 1928, the Department of Highways opened up No. 2 Highway and they had to take a portion of that cemetery to widen the highway. I think it was just six feet they took. They removed several graves and the highway went over top of that, and they gave a portion of the land to the Cemetery Board.

Mrs. Howland knows that every bit of ground in the old part was filled up. There were graves on top of graves, and they had a new part amounting to half an acre which has only two graves in it.

There is no means of keeping up that cemetery. It has been done voluntarily and we have gone out to try to sell graves. Some objected and some did not know and when death came, they came along and said, "We will bury here. Grandfather and grandmother are here." We have no laws to stop them. It is a public burying ground for our people and they just bury there. We



tried to charge \$10.00 and \$15.00 a grave, and some object and some do not, and we would like to know how we can make them pay?

The Township has often buried people in there and they would not even pay for the grave. They pay the undertaker for the burial and they would not go to Green Lawn, because it would cost them from \$50.00 to \$75.00, so they come out there and bury for nothing.

The Highway Department put a fence up when they bought the ground on the highway and reckless drivers came along and ruined the fence, and we never knew what to do, and we had to undertake to put up the fence.

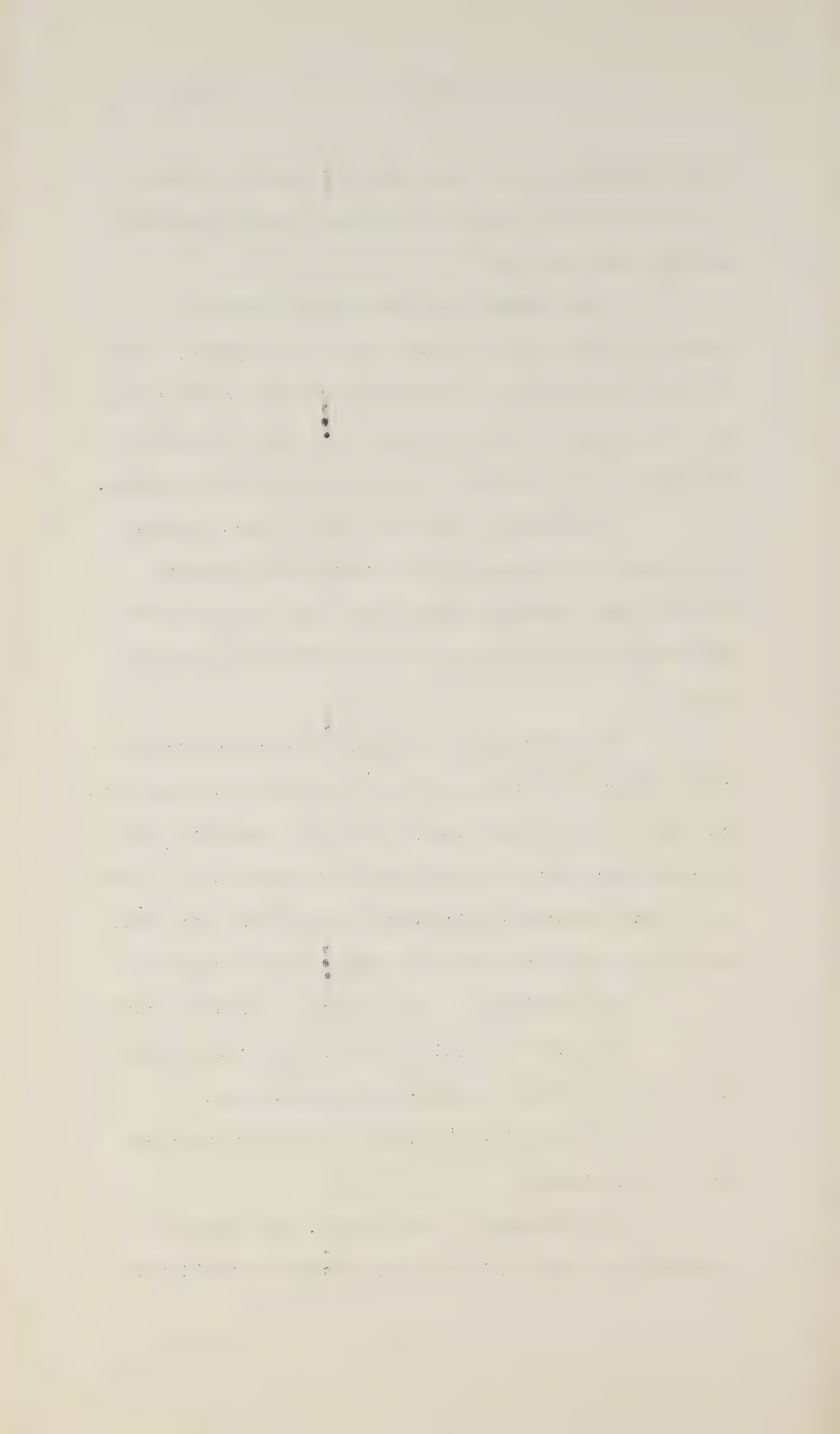
We had to put a driveway in because the undertaker refuses to bring the box in without a driveway and we would like to raise money to get the cemetery fixed. It would not cost us a great deal to maintain it. There are a few tombstones which date back to 1810, or 1820, but in the new part there are only one or two graves.

THE CHAIRMAN: Do you have a board of trustees?

MR. LAND: Yes, but we are not incorporated and we have no way of enforcing people to pay.

We would like to have the cemetery kept up. It is on a highway.

THE CHAIRMAN: Mr. Walker, our counsel, suggests his opinion is that your trustees would have





the control of that property.

MR. LAND: How are we going to force them to pay? That is our problem.

THE CHAIRMAN: You just do not allow them to bury.

MR. LAND: I do not know how to manage that. They do not buy a lot, they just go in and bury and I would like to know if we can force them to pay for it.

THE CHAIRMAN: Your best plan would be, if you gave your name and location to Mr. Walker, he will write to you and assist you to try to get your organization planned with the proper trustee board.

I think a great many trustee boards carry on in small places and control their cemeteries and the opening of graves, which are not incorporated. In fact very few of the cemetery boards would be incorporated.

MR. LAND: That has been the biggest problem. People say, "Who has got the authority? You cannot stop me."

THE CHAIRMAN: There are some townships which have assisted cemeteries, such as your own. It is an old cemetery but once it can be established, they might help you if they could feel you would carry on respectably afterwards.



MR. LAND: If it was ours to fix up.

THE CHAIRMAN: You should go to the council just before election time, at a well chosen time.

MR. ROOT: I wonder who appointed the board of trustees?

MR. LAND: In 1950, a group of the people in the settlement had a meeting and from the people living in that district they elected men to represent them to do something with the cemetery. We are all taxpayers in the Township, I think.

THE CHAIRMAN: You feel, if you could be certain you had authority to control and regulate that cemetery, you could do something with it. That is what you want, is it not?

MR. LAND: That is what we need.

THE CHAIRMAN: That is the first thing you need.

MR. LAND: Yes.

THE CHAIRMAN: Then you would have somewhere to begin.

MR. LAND: Yes.

THE CHAIRMAN: Mr. Walker will see you afterwards and will see what he can do for you.

MR. LAND: Some had paid \$5.00 years and years ago, and they still claim they have a lot in there.



THE CHAIRMAN: Mr. Walker is the solicitor for the Department of Health, and is very close to Doctor Berry. I am sure either of them will do whatever they can to get something that will work.

MR. LAND: I appreciate it.

MR. GORDON: Did I understand you to say that when they widened the Highway, they built the highway right over the cemetery?

MR. LAND: Yes, the highway has been built over the cemetery.

MR. GORDON: The people are buried under the highway?

MR. LAND: Yes, they could not find them all.

THE CHAIRMAN: Did they make an effort to remove the bodies?

MR. LAND: They removed some of them, but they could not find them all, so they just guessed where they were. Half of the markers were gone.

MR. ROOT: They did make a reasonable effort to find the bodies, did they not?

MR. LAND: I think they did.

THE CHAIRMAN: We appreciate your coming down here today, because as I mentioned to Mr. Kernahan, we have been rather disappointed that more persons representing smaller cemeteries have not appeared before the



Committee, and I hope your trip has not been in vain and Mr. Walker will help you to get straightened away.

MRS HOWLAND: If this Committee is going to make any allotments for Perpetual Care, we would like to share in it very much because as you might know from what Mr. Land said, a few years ago some of us bought some more land. I was one of them who went to the people who had relatives buried there and asked them if they would like to make a contribution, so that we could buy some more land.

We were able to buy some more land for the cemetery but we have never been able to get enough as Mr. Land says when the people bury. Some go in and pay \$5.00 or \$10.00, and some will not pay anything, and we have never had enough money to even keep the grass cut. Therefore, it does look bad and it is on the highway.

We also would like some trees. I understand the Government does give some pines or something for cemeteries, if you know the right place to go to get them.

THE CHAIRMAN: I suppose you do not make any money on the opening of your graves, do you?

MRS. HOWLAND: No.

MR. LAND: We have no grave digger and we have to hire whoever we can get.





THE CHAIRMAN: If you were organized you might get a little income, which would help you. I believe cemeteries charge sufficient extra because that grave has to be filled in again some day.

MRS. HOWLAND: I think after a fashion we consider ourselves organized. As Mr. Land says in 1950, we older folk gave it up to the young people. We are great at Puce for pushing our youth and we wanted to see what they would do. They are organized. My daughter-in-law, Mrs. Land, is the secretary and Mr. Land is the president. They have some trustees and a treasurer and they are really organized.

THE CHAIRMAN: I think you might make some progress now.

MRS. HOWLAND: Thank you very much.

THE CHAIRMAN: Is there anyone else who wishes to speak to the Committee?

MR. CARSWELL: My case is very similar to the one you have just heard about. A year ago, the property of this little cemetery in which I am interested was taken over by the City of London.

Maybe I went the wrong way about it, but I finally discovered through the Cemeteries Act that if the cemetery -- I guess you know more about it than I do -- has no money to keep it up, the municipality in which it exists must take care of it.



It is a little cemetery which was given to the world over 100 years ago by a gentleman by the name of Ayers. He donated one acre off the corner of his property for the purpose of religion, educational and burial use.

At one time, in one corner, there was a school house which was 50 or 60 years old, which was made into a barn or torn down.

What I was interested in, I am in the same condition as this gentleman who just spoke. We think at least half of the cemetery is depleted. The grass is as high as the railing in this council chamber and it is in a terrible condition. There are city people living right across the road and I have contacted them all, and they are quite agreeable to go into the place and do something to establish this cemetery. But if these people who are interested -- and there are not many people, just two or three besides myself -- would do something about it, it would help. I am interested because I have grandparents and aunts and uncles in that cemetery, who were put in there in 1855 and around that time. I suppose this is not interesting to you, but under the Act our municipality now will have to step in and help us out.

I am in accord with this gentleman. We have



no trustees, there is no deed, there have been no taxes paid on it in my lifetime and lifetimes before me, but I do not suppose that is interesting to you.

In Section 38 of the Cemeteries Act it says, that when people are not able to take care of the cemetery, the municipality in which it exists must afford the proper care of it. That is the reason I came up.

THE CHAIRMAN: As a matter of interest and as a good citizen, what do you think of the suggestion by Mr. Smith this morning that a cemetery like that be cleaned up, the stones be removed and placed around the outside, and it be kept in the form of a park?

MR. CARSWELL: As far as I am personally concerned, I would say yes, but the old friend I had with me this morning, who is an ex-alderman of this city in 1917, has some of his relatives in these old plots and he distinctly said "No", when I asked him what he thought.

This cemetery is in a nice corner, it lies between the railroad track and Trafalgar Street. There is one acre of a farm which he donated for that purpose and during my lifetime I can account for 25 people who have been interred right around the gate.

One night -- I try to keep my grandfather's and grandmother's plots in respectable condition, and





this evening I was out trying to take care of the grass and make it look respectable -- in the dusk I noticed at the gate there was a gentleman pulled up in his car and I just stood still for a while.

There is an old tree in the cemetery and I thought he would think I was an old tree and I just stood there. He came inside the gate, got out his shovel and started to dig, right inside the gate. There are dozens buried right where he started to dig and I went up to him and said, "What are you doing?"

He said, "What do you think?"

I said, "I just wondered." And he said, "It is none of your business."

So I did not say anything more and that is what went on there.

That acre was given to the world and I am just interested in taking care of it. If they would put a lawn mower in there, which I really think they should, we could cut the grass.

I really thought I had sold the idea to the city engineer. I thought between him and the Public Utility Corporation, I might get a lawn mower in there and level the ground down so that it at least would look respectable. They took the fence down and a lot of old trees that stood along the fence, and I have got that far with it.



I thank you kindly for listening to me, but I am interested in the small cemeteries and as far as I am concerned, I would say, "Yes", if you asked me the question about removing the stones, but the next generation older than me, such as the gentleman I had with me this morning would say, "No". Thank you very much.

THE CHAIRMAN: That completes the list of persons whom we expected to hear this afternoon. Is there anyone here who wished to appear but who had not notified Mr. Scott?

I want to again thank you on behalf of the Committee for your appearances today and for your splendid co-operation. I might say to you that the members of the Committee are very serious in their hope of bringing some recommendations to the Government, from which recommendations there should be a change in The Cemeteries Act, a change we hope for the better.

I do not know whether it is because of the very reasonable and kind gentlemen and ladies who have appeared before the Committee, but I want to say here the members of the Committee have expressed the thought that they had no idea there was so much to be considered by this Select Committee on Cemeteries. They feel it really is something



of importance, and I assure you they are going to take your recommendations with them and give them serious consideration. Many of you may well feel after this Act is amended, that you have had a part in the amendment of The Cemeteries Act, because it will be on the suggestions which you have given, that the recommendations will be passed.

I believe the members of this Committee were chosen particularly because they knew nothing about cemeteries, with the thought they would approach this subject with an open mind, and I believe that the Committee is approaching the subject with an open mind, getting such information as they can and hoping to do the best job they can in the recommendations they make.

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---Whereupon at 4:15 p.m., the further proceedings of this Committee adjourned until October 14th, 1953.

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